

ORIGINAL

Decision 83 09 047 SEP 7 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Barbara L. Bibb,)
for authority to deviate from the)
minimum rates established in)
Minimum Rate Tariff 17-A for the)
transportation of crushed)
aggregate base for the account of)
Best Western Paving, Inc. under)
Section 3666 of the Public)
Utilities Code.)

Application 82-11-51
(Filed November 24, 1982;
amended January 6, 1983)

SUPPLEMENTAL OPINION AND ORDER

Decisions 83-02-078, 83-05-035 and 83-06-068 in this proceeding granted interim authority to Barbara L. Bibb, an individual doing business as Dispatch Trucking (Dispatch), to transport crushed aggregate base at rates below those published in Minimum Rate Tariff 17-A (MRT 17-A) from Irwindale to Berths 121-126 at Los Angeles Harbor. The interim authority is scheduled to expire September 13, 1983.

Dispatch has submitted its actual performance data, in compliance with the decisions, for traffic performed under the authorized rate. Due to inclement weather conditions during the period in which the data was to be compiled, the staff had requested an extension of time to make its study of the operations at job-site locations.

The staff study received herein as staff's Exhibit 1, found that applicant's original round-trip time estimate of 107 minutes was not being realized. Staff found that the round trips were averaging 115 minutes.

The increased travel time factor (115 minutes) was used by staff to recompute applicant's costs for determining the reasonableness of the deviated rate authorized during the interim period. The analysis developed that Dispatch's operating ratio changed from 95.2 to 96.3.

Further, an analysis was made of the impact of longer trip times on the profitability of the subhaulers engaged by Dispatch. This analysis disclosed that a typical subhauler supplying only power equipment could achieve an operating ratio of 92.5.

The jobsite study by staff disclosed that Dispatch was not accorded preferential loading times by the contractor and the prime contractor was not providing night lighting to extend the work day at the jobsite. These factors along with increased congestion on the freeways during daytime operations, are causing additional round-trip times to be experienced. Because of these unfavorable operational conditions that may further erode the earnings of applicant and subhaulers, the staff recommends that the interim authority issued February 16, 1983 be continued until further order of the Commission pending final results of the staff study.

Staff recommends that the conditions requiring Dispatch to report payments and non-payments to owner operators also be required by this order.

The proposal is not a major action significantly affecting energy efficiency within the meaning of Sections 3502.1 and 3502.2 of the Public Utilities Code.

Findings of Fact

1. Dispatch has been authorized to depart from MRT 17-A for an interim period, that will expire September 13, 1983 (D.83-06-068).

2. The transportation involved was expected to continue over approximately 13-1/2 months.

3. Dispatch has submitted operational data in accordance with the interim authorization as required.

4. The data revealed an 8-minute increase in the round-trip running time over the time originally estimated.

5. The staff has conducted a traffic flow study verifying the increased round trip-time.

6. Dispatch is experiencing longer loading times.

7. Dispatch is unable to operate a night shift.

8. Freeway congestion is occurring during daytime operations.

- *
9. Owner operators are utilized.
 10. Cost data submitted reflect expected savings from high equipment utilization and expedited job related performances, which has not been fully realized.
 11. Dispatch is furnishing a monthly statement to the Commission as required, verifying its payments to the owner operators.
 12. The following order has no reasonably foreseeable impact upon the energy efficiency of highway common carriers.

Conclusions of Law

1. The interim authority should be continued.
2. Dispatch should prepare performance and cost data experienced in performing the transportation in issue and other material evidence to justify renewal of the authority.
3. Dispatch should continue furnishing the Commission each month a statement, certified under penalty of perjury, concerning the payments to owner operators.
4. Because there is an immediate need for this authority, the following order should be made effective today.

*

O R D E R

IT IS ORDERED that:

1. Barbara L. Bibb, doing business as Dispatch Trucking, may depart from the rates in MRT 17-A by charging not less than the rate in Appendix A, subject to the following conditions:

- a. Barbara L. Bibb, dba Dispatch Trucking, shall furnish the Commission with the information listed in Appendix B prior to renewal of this authority.
- b. Barbara L. Bibb, dba Dispatch Trucking, shall file on or before the 25th day of each month following the calendar month in which transportation was performed, a statement, certified under penalty of perjury, whether all subhaulers engaged in the transportation have been paid in accordance with those provisions of Item 460, MRT 17-A which relate to time of payment, and any amount due, their names and the reasons for such failure to pay shall be shown.

2. The staff is directed to monitor the transportation in question to ensure that the subhaulers are being paid within the time frame set forth in Item 460 of MRT 17-A. Upon receipt of evidence from the staff that the subhaulers are not being timely paid, the Commission will consider suspending the authority granted by this order.

3. This order shall expire February 16, 1984 or upon further order of the Commission.

This order is effective today.

Dated SEP 7 1983, at San Francisco, California.

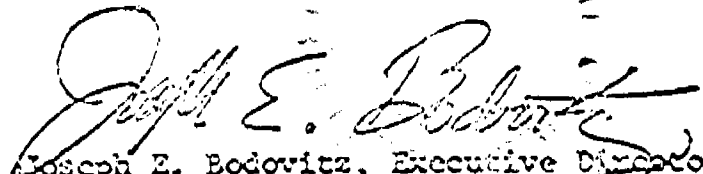
Commissioner PRISCILLA C. GREEN

Present but not participating.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
DONALD VIAL
Commissioners

Commissioner William T. Bagley
being necessarily absent, did
not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

APPENDIX A
Page 1

Carrier: Barbara L. Bibb, dba Dispatch Trucking
Commodity: Crushed Aggregate Base
From: Conrock Company, Irwindale
To: Los Angeles Harbor - Berths 121-126
Minimum Weight: 25 tons per unit of equipment
Rate: \$3.40 per ton

Conditions:

1. The minimum weight shall apply per unit of carrier's equipment consisting of a tractor and one or more gravity dump semi- or full trailers.
2. Applicant has indicated that subhaulers are necessary and will be engaged by applicant but has not submitted costs for all of the subhaulers. Therefore, if any of the below-named subhaulers are employed, they shall receive 95% of the deviated rate authorized. If applicant provides trailing equipment, it may deduct an additional 20% for the use of the trailing equipment.
3. If any subhaulers other than those named on pages 2 thru 4 of this Appendix are employed, they shall be paid not less than the authorized deviated rate.

APPENDIX A
Page 2

T-124,500	Mark H. Uyekawa	T-129,512	Payne Trucking
T-139,100	Otto Lugo & Robert Taylor	T-130,613	Rascon & Sons Trucking
T-130,301	Viking Trucking	T-125,313	H & P Trucking
T-135,301	John Chavira	T-100,414	Raul D. Soto
T-136,002	O. M. Trucking	T-130,714	Tom Wetzel Trucking
T-139,102	A. F. & J. deLeon	T- 67,214	Ronald J. Christiansen
T-128,803	Phuong T. Le	T-118,114	Mark IV Trucking Co.
T-109,305	Cleveland & Sons	T- 81,915	Joe Mann
T- 97,407	Boyd E. Watkins, Jr.	T-132,817	Griffin Trucking
T- 41,108	Riphagen & Sons	T-136,318	Robert E. Peterson
T- 84,909	Phillip Alaimo	T- 83,919	Harold W. Goodman
T-126,209	Ronald D. Brown		
T-130,610	Marshall Hayden	T- 90,823	Carl E. Vaughan
T- 90,112	Enio Ranzolin	T-132,823	U. S. Trucking
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T-115,528	Wayne D. Mardin	T-138,053	Jennie Chambers
T- 68,529	John/Margie Norwood	T-132,558	S & J Trucking
T- 79,229	Frederick Morris	T-121,659	JRS Truck Line
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T-133,432	Milton H. Boy	T- 94,460	B & P Freight & Produce
T-103,732	Jennings Trucking Co.	T- 60,861	Robert L. McCool
T-124,932	Eladio Becerra	T-130,862	Williams Trucking
T-129,833	Howard Beech	T-134,763	John E. Haynes
T-121,034	Ayala & Sons	T- 84,964	Richard Amparan
		T- 18,964	Stanley A. Cunningham
T-139,135	Robert E. Binger	T-134,965	Fred Wright, Jr.
		T-102,066	McCloskey & Sons
T- 95,737	Boyd Trucking	T-136,466	Toles Trans.
T-105,937	Tyrone Sheperd	T-137,366	Thomas C. McGee
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T- 82,739	Fred Tedford	T-133,669	Z. Lara Trucking
T- 95,442	B & B Trucking	T-123,471	Kruizneg Trucking
T-137,242	Baber Brothers	T-125,872	Tom Montgomery
T-118,142	D. J. Chambers Trucking	T-138,772	Forrest M. Perry
T-131,343	Miguel C. Elias	T- 69,573	Roy R. Martin
T- 92,243	Bobby D. McGrady	T-118,875	Orantes Trucking
T-136,643	Roland & Son	T-124,577	L & B Bibb Trucking
T-132,044	Alan J. Hogan	T-125,178	Ken Williams
T-134,944	Rhodes Bros., Inc.		
T-115,144	Smith & Son	T-125,179	Parker Trucking

APPENDIX A

Page 3

T- 77,744	Santiago D. Arvizu	T-130,781	Militello Trucking
T-131,245	Allen Lee	T-132,581	R. E. Kist Trucking Co.
T- 86,446	Bobbie F. Martin	T- 32,581	Lester E. Bonty
T- 97,546	Roadway Construction Co., Inc.	T-119,583	Bivens Trucking
T- 74,347	Virgil L. Hampton	T-134,184	Allen Millender
T-125,447	Robert H. Jones	T-134,285	Otis Dorsey
T-126,747	Russell A. Tavares	T-130,286	Phillip W. Trautman
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T-126,248	William R. Atkins	T-125,387	Dirty Book Trucking
T-121,749	John Rock & Bruce Degler	T-136,187	Wooten Trucking Co.
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T-109,814	Perley Fields	T- 91,290	Chas. McGee
T-133,916	Richard E. Kaufman	T-133,095	Robert Castro
T-132,817	Gwendolyn Griffin	T-112,310	P. A. Csiszer
T-129,971	George S. Schelhorn	T-123,816	G. G. & S. Industries
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APPENDIX A
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T- 95,896	William L. Garner	T-123,496	Jim Farr
T- 76,310	O. M. Gomez	T-141,616	Kenneth Mead

Except as otherwise provided, the rules and regulations of Minimum Rate Tariff 17-A shall apply.

(END OF APPENDIX A)

APPENDIX B

Detailed performance data to be recorded prior to applying for renewal of the deviation for MRT 17-A described in Appendix A.

1. Financial data necessary to determine the cost of performing the transportation.
 - a. Equipment costs -- fixed and running.
 - b. Labor costs.
 - c. Insurance and revenue costs.
 - d. Other costs - indirects.
2. Actual performance data of representative traffic transported under the deviation:
 - a. For each unit of equipment used:
 1. Tractor license numbers; and
 2. Trailing equipment license numbers.
 - b. For each day's movement show:
 1. Carrier's T-No.;
 2. Driver's name;
 3. Time when carrier reports for service.
 4. Time and mileage reading when service commenced.
 5. Loading time, enroute loaded time and mileage, unloading time, enroute empty returning time and mileage, and repeat for each subsequent load.
 6. Time out for lunch and other breaks shall be noted; and
 7. Breakdown of equipment or delays to equipment shall be noted.

(END OF APPENDIX B)

TB-20

T/HEC/SR/WPSC

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- b. Barbara L. Bibb, dba Dispatch Trucking, shall file on or before the 25th day of each month following the calendar month in which transportation was performed, a statement, certified under penalty of perjury, whether all subhaulers engaged in the transportation have been paid in accordance with those provisions of Item 460, MRT 17-A which relate to time of payment, and any amount due, their names and the reasons for such failure to pay shall be shown.

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Except as otherwise provided, the rules and regulations of Minimum Rate Tariff 17-A shall apply.

(END OF APPENDIX A)