

ORIGINAL

Decision 83 10 01S OCT 5 - 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
for the purpose of considering and )  
determining minimum rates for )  
transportation of rock, sand, )  
gravel and related items in bulk, )  
in dump truck equipment in Southern )  
California as provided in Minimum )  
Rate Tariff 17-A and Southern )  
California Production Area and )  
Delivery Zone Directory 1, and the )  
revisions or reissues thereof. )

Case 9819  
Petition for Modification 64  
(Filed June 3, 1983)

O P I N I O N

By this petition, John B. Ewles, Inc. (Ewles) requests modification of Southern California Production Area and Delivery Zone Directory (Directory) 1 and Minimum Rate Tariff (MRT) 17-A by adding:

1. A new Orange County production area description in the directory.<sup>1/</sup>
2. Zone rates in the tariff for the transportation of asphaltic or cement concrete, crushed or recrushed, from the new production area to all Orange County delivery zones.

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<sup>1/</sup> A minor unrelated matter will be handled with this proceeding. Decision 93877 dated December 15, 1981 in Case 9819, Pet. 49, established zone rates in MRT 17-A from a new Orange County Production Area 30-U to Orange County delivery zones. Through inadvertence, the decision did not add a description of the new production area to Directory 1. This will be done by the following order.

MRT 17-A names minimum rates for the transportation by dump truck carriers of certain commodities, including rock, sand, gravel, and asphaltic or cement concrete, crushed or recrushed. The tariff contains zone rates which apply from defined production areas to designated delivery zones via a network of routes over most of the legally traversable highways in Southern California areas where the rates apply. The descriptions of the production areas and delivery zones are set forth in Directory 1.

The petition states as follows:

1. Ewles operates a crushing plant in Orange County at 16085 Construction Circle West, Irvine. It is not in a defined production area.
2. Ewles ships substantial quantities of the crushed materials in issue from this plant each month by for-hire dump truck carriers. Most of the shipments are to consignees located within Orange County delivery zones.
3. Since there are no zone rates, transportation charges are paid on the basis of hourly or distance rates. The hourly rates require costly supervision and increase the expense of billing customers and paying carriers. The mileage rates are higher than zone rates for comparable distances.
4. The establishment of the sought Orange County production area and zone rates will remedy this inequity. Also, it would cause no rate discrimination because other producers of the same commodities in the same market area ship at zone rates.

The Commission staff recommends that the petition be granted. The staff has assigned a new Home Node 40738 to the proposed production area and has developed the following tie-in and entry segments for computing the zone rates:

1. Tie-in segments to be added from new Home Node 40738 to the existing network:

| <u>To Network Node</u> | <u>One-Way Miles</u> | <u>Round-Trip Minutes</u> |
|------------------------|----------------------|---------------------------|
| 40721                  | 1.5                  | 9                         |
| 40651                  | 1.9                  | 10                        |
| 40811                  | 2.2                  | 11                        |
| 40493                  | 3.2                  | 16                        |

2. Entry segments from new Home Node 40738 directly into delivery zones:

| <u>To Delivery Zone</u> | <u>Terminal Node</u> | <u>One-Way Miles</u> | <u>Round-Trip Minutes</u> |
|-------------------------|----------------------|----------------------|---------------------------|
| 30073                   | 40730                | 1.7                  | 9                         |
| 30065                   | 40650                | 2.4                  | 12                        |

The staff has also developed a boundary description for the proposed production area for publication in Directory I.

The petition was listed on the Commission's Daily Transportation Calendar of June 8, 1983. No protest to the petition has been received.

Because petitioner is being economically disadvantaged by the absence of zone rates from the proposed production area, the following order should be made effective on the date it is signed, and tariff pages should be made effective 5 days after the effective date.

#### Findings of Fact

1. MRT 17-A names minimum rates for the transportation by dump truck carriers of certain commodities via a network of routes over most legally traversable highways in Southern California.

2. Petitioner maintains a production facility, as described in the petition, where asphalt or cement concrete, crushed or recrushed, is produced.

3. Present MRT 17-A rates do not apply to transportation of asphaltic or cement concrete, crushed or recrushed, from petitioner's facility.

4. The staff has developed information concerning traverse distances and times from petitioner's facility to existing nodes.

5. The rates based on the data developed by the staff and adopted in the following order will result in just, reasonable, and nondiscriminatory minimum rates for the transportation involved.

6. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

7. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

8. A public hearing is not necessary.

Conclusions of Law

1. The petition should be granted to the extent provided in the following order.

2. The effective date of this order should be today because there is an immediate need for this rate relief.

ORDER

IT IS ORDERED that:

1. MRT 17-A (Appendix C of Decision (D.) 80578, as amended) is further amended by incorporating First Revised Page 5-U and Original Page 5-V, attached, to become effective 5 days after today.
2. Southern California Production Area and Delivery Zone Directory 1 (Appendix A of D.65469, as amended) is further amended by incorporating Fourth Revised Page 147 and Fourth Revised Page 148, attached, to become effective 5 days after today.
3. Common carriers subject to the Public Utilities Act, to the extent that they are also subject to D.80578 and D.65469, as amended, are authorized to establish in their tariffs the rates and routes necessary to conform with the further revisions ordered by this decision.
4. Tariff publications required to be made by common carriers as a result of this order shall be filed on not less than 5 days' notice to the Commission and to the public if filed not later than 60 days after the effective date of the minimum rate tariff pages incorporated in this order.
5. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart from the provisions of Public Utilities Code Section 461.5 to the extent necessary to adjust long-and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are modified only to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long-and short-haul departures and to this order.

6. In all other respects D.80578 and D.65469, as amended, shall remain in full force and effect.

7. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to MRT 17-A.

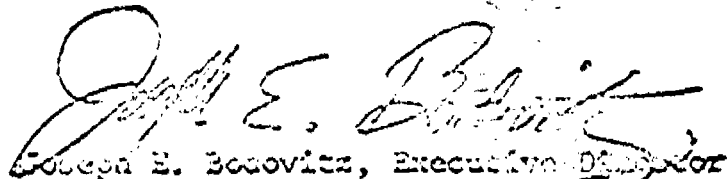
8. The Executive Director shall serve a copy of the tariff amendments on each subscriber to MRT 17-A.

This order is effective today.

Dated OCT 5 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
DONALD YEAL  
WILLIAM T. BAGLEY  
Commissioners

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

  
Joseph E. Besovitz, Executive Director

MIDDLEM RATE TARIFF 17-A

SECTION 5 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 60

FROM ORANGE COUNTY PRODUCTION AREA 30-U  
 TO THE DELIVERY ZONES SET FORTH BELOW

| ZONE  | RATE | ZONE  | RATE | ZONE  | RATE |
|-------|------|-------|------|-------|------|
| 30001 | 267  | 30036 | 273  | 30071 | 120  |
| 30002 | 254  | 30037 | 272  | 30072 | 136  |
| 30003 | 261  | 30038 | 253  | 30073 | 154  |
| 30004 | 282  | 30039 | 267  | 30074 | 124  |
| 30005 | 292  | 30040 | 244  | 30075 | 199  |
| 30006 | 292  | 30041 | 236  | 30076 | 213  |
| 30007 | 301  | 30042 | 226  | 30077 | 223  |
| 30008 | 278  | 30043 | 225  | 30078 | 207  |
| 30009 | 252  | 30044 | 212  | 30079 | 207  |
| 30010 | 240  | 30045 | 199  | 30080 | 190  |
| 30011 | 256  | 30046 | 192  | 30081 | 158  |
| 30012 | 242  | 30047 | 179  | 30090 | 214  |
| 30013 | 259  | 30048 | 171  | 30091 | 238  |
| 30014 | 251  | 30049 | 149  | 30092 | 210  |
| 30015 | 261  | 30050 | 154  | 30093 | 193  |
| 30016 | 275  | 30051 | 170  | 30094 | 175  |
| 30017 | 226  | 30052 | 194  | 30095 | 165  |
| 30018 | 274  | 30053 | 197  | 30096 | 141  |
| 30019 | 260  | 30054 | 215  | 30097 | 120  |
| 30020 | 242  | 30055 | 205  | 30098 | 194  |
| 30021 | 235  | 30056 | 213  | 30099 | 110  |
| 30022 | 226  | 30057 | 230  | 30100 | 131  |
| 30023 | 236  | 30058 | 269  | 30101 | 148  |
| 30024 | 221  | 30059 | 245  | 30102 | 170  |
| 30025 | 226  | 30060 | 232  | 30103 | 192  |
| 30026 | 239  | 30061 | 214  | 30116 | 185  |
| 30027 | 219  | 30062 | 192  | 30117 | 206  |
| 30028 | 198  | 30063 | 177  | 30118 | 211  |
| 30029 | 211  | 30064 | 169  |       |      |
| 30030 | 195  | 30065 | 178  |       |      |
| 30031 | 206  | 30066 | 135  |       |      |
| 30032 | 219  | 30067 | 109  |       |      |
| 30033 | 242  | 30068 | 127  |       |      |
| 30034 | 253  | 30069 | 107  |       |      |
| 30035 | 264  | 30070 | 109  |       |      |

NO CHANGE ON THIS PAGE, DECISION 83 10 018 EFFECTIVE OCT 10 1983

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
 CORRECTION SAN FRANCISCO, CALIFORNIA.

SECTION 5 - ZONE RATES IN CENTS PER TON (CONTINUED)

COMMODITIES AS DESCRIBED IN ITEM 6D

FROM ORANGE COUNTY PRODUCTION AREA 30-V  
TO THE DELIVERY ZONES SET FORTH BELOW

| ZONE RATE | ZONE RATE |
|-----------|-----------|
| 30001 186 | 30051 84  |
| 30002 173 | 30052 94  |
| 30003 180 | 30053 105 |
| 30004 201 | 30054 129 |
| 30005 211 | 30055 119 |
| 30006 211 | 30056 128 |
| 30007 220 | 30057 145 |
| 30008 197 | 30058 183 |
| 30009 171 | 30059 159 |
| 30010 159 | 30060 147 |
| 30011 173 | 30061 128 |
| 30012 161 | 30062 107 |
| 30013 178 | 30063 91  |
| 30014 170 | 30064 77  |
| 30015 180 | 30065 59  |
| 30016 194 | 30066 88  |
| 30017 205 | 30067 132 |
| 30018 193 | 30068 110 |
| 30019 179 | 30069 122 |
| 30020 161 | 30070 107 |
| 30021 154 | 30071 85  |
| 30022 145 | 30072 64  |
| 30023 153 | 30073 53  |
| 30024 140 | 30074 98  |
| 30025 145 | 30075 114 |
| 30026 140 | 30076 128 |
| 30027 140 | 30077 138 |
| 30028 117 | 30078 122 |
| 30029 130 | 30079 122 |
| 30030 114 | 30080 104 |
| 30031 125 | 30081 72  |
| 30032 134 | 30090 128 |
| 30033 161 | 30091 152 |
| 30034 168 | 30092 174 |
| 30035 178 | 30093 175 |
| 30036 187 | 30094 143 |
| 30037 187 | 30095 163 |
| 30038 167 | 30096 138 |
| 30039 181 | 30097 178 |
| 30040 159 | 30098 191 |
| 30041 151 | 30099 134 |
| 30042 140 | 30100 155 |
| 30043 140 | 30101 173 |
| 30044 131 | 30102 195 |
| 30045 116 | 30103 214 |
| 30046 111 | 30114 210 |
| 30047 98  | 30117 231 |
| 30048 98  | 30118 235 |
| 30049 85  |           |
| 30050 84  |           |

• ADDITION, DECREASE

83 10 018

EFFECTIVE

OCT 10 1983

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.  
CORRECTION



| SECTION 3--ORANGE COUNTY PRODUCTION AREAS AND DELIVERY ZONES (Continued)   |                          |
|--|--------------------------|
| ORANGE COUNTY PRODUCTION AREAS   | ZONE                     |
| <p>The northeast 1/4, of the southwest 1/4, of Block 108 Irvine Subdivision, T-5-S., R. SW., S. B. M.</p> <p>That portion of Blocks 78, 111 and 112, Irvine's Subdivision in the County of Orange, State of California, as per map filed in Book 1, page 88, Miscellaneous Record Maps, in the office of the County Recorder of said County, described as follows:</p> <p>Beginning at the Southeasterly terminus of the Northeasterly Right of way line, the center of said right of way being described as "S 49° 03' 33" E 279.68 feet" in Parcel No. 118.01 in a deed recorded February 18, 1964 in Book 6929, page 41, Official Records of said County; thence North 48° 47' 31" West 279.68 feet along said right of way line to the beginning of a curve therein concave Northeasterly having a radius of 1170.00 feet; thence Northwesterly 432.76 feet along said curve and line through an angle of 21° 11' 33"; thence North 27° 35' 58" West 520.35 feet continuing along said right of way line; thence leaving said line North 0° 38' 51" East 936.60 feet; thence North 21° 09' 28" West 1025.10 feet; thence North 27° 24' 37" East 1333.74 feet; thence North 33° 04' 42" West 883.13 feet; thence North 26° 20' 52" East 1414.99 feet; thence North 36° 09' 23" West 1894.95 feet; thence North 43° 11' 39" East 134.42 feet to the True Point of Beginning; thence North 86° 25' 25" West 224.44 feet; thence South 85° 51' 19" West 691.81 feet; thence West 350.00 feet; thence South 82° 06' 30" West 407.86 feet; thence South 44° 29' 18" West 950.39 feet; thence South 82° 05' 04" West 1132.79 feet; thence West 1050.00 feet; thence North 4° 55' 01" West 1318.93 feet to a line parallel with and 100.00 feet Southeasterly of that certain course between Stations 87 and 88 as described in a deed to the Carpenter Irrigation District and Serrano Irrigation District recorded in Book 700, page 1, Official Records of said County; thence North 38° 05' 31" East 331.10 feet along said parallel line to a line that is parallel with and 100.00 feet Northeasterly of the course between Stations 86 and 87 as described in said deed; thence North 27° 03' 44" West 405.60 feet along said parallel line to a line that is parallel with and 100.0 feet Southeasterly of the course between Stations 85 and 86 as described in said deed; thence North 56° 08' 11" East 350.00 feet along said parallel line; thence North 77° 40' 13" East 798.83 feet; thence South 78° 59' 42" East 3276.54 feet to the Northeasterly line of said Block 111; thence South 49° 32' 16" East 446.88 feet along said line; thence South 85° 36' 05" East 339.00 feet to a point that bears North 40° 08' 33" East from the True Point of Beginning; thence South 40° 08' 33" West 567.72 feet to the True Point of Beginning.</p> | <p>30-5</p> <p>630-7</p> |
| <p>83 10 018</p>   |                          |
| <p>No change on this page, Decision No.</p>  |                          |
| <p>EFFECTIVE OCT 10 1983</p>   |                          |
| <p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,<br/>                 SAN FRANCISCO, CALIFORNIA.</p>   |                          |
| <p>Correction</p>  |                          |

| SECTION 3—ORANGE COUNTY PRODUCTION AREAS AND DELIVERY ZONES (Continued)  |                         |
|--|-------------------------|
| ORANGE COUNTY PRODUCTION AREAS   | ZONE                    |
| <p>That portion of Lot 5 of Rancho Canada de Los Alisos in Orange County, California, as per map recorded in Book 3, pages 290 and 291 of Miscellaneous Records, in the Office of the County Recorder of Los Angeles County, California, described as follows:</p> <p>Beginning at the most easterly corner of Parcel 10 as described in the deed to Title Insurance and Trust Company recorded April 18, 1962 Book 6079, page 116 of Official Records of said County of Orange; thence along the boundary of said land South 26°31'39" West 1687.28 feet to the northerly line of the land described as Parcel in the deed to the Orange County Flood Control District recorded November 1, 1972 in Book 10406, page 539 of Official Records; thence along said northerly line North 88°34'26" West 480.96 feet and South 37°31'14" West 230.67 feet; thence North 39°13'43" West 1320.89 feet to a point on the 65 Contour Noise Emission Level line as shown on a map of "El Toro Runway 7 Departures CNEL 65 Contour 164413, February 11, 1975" distant North 79°09'10" East 404.70 feet from Station 14 as shown on said map; thence northeasterly along a straight line to the line described as "South 64°14'39" East 13,502 feet" in Parcel 10 of the deed recorded April 18, 1962 in Book 6079, page 116 of Official Records, at a point distant along said line 1000.00 feet from said northeasterly corner; thence South 63°28'21" East along said line to THE POINT OF BEGINNING.</p> <p>Beginning at the intersection of Warner Avenue and Construction North; then southwesterly along Construction North to the intersection of Construction Circle East and West; thence northwesterly along a line parallel to Warner Avenue to San Joaquin Road; thence northeasterly along San Joaquin Road to Warner Avenue; thence southeasterly along Warner Avenue to the point of beginning.</p> | <p>30-U</p> <p>30-V</p> |
| <p>* Decision No.      <b>83 10 018</b></p>  |                         |
| <p>EFFECTIVE <b>OCT 10 1983</b></p>  |                         |
| <p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,<br/>         SAN FRANCISCO, CALIFORNIA.</p>   |                         |
| <p>Correction</p>  |                         |