

Decision 83 10 053

~~807~~ 19 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.

ORIGINAL

Case 9819
Petition for Modification 65
(Filed August 1, 1983)

O P I N I O N

By this petition, Oceana Land Corporation (Oceana), doing business as Ortega Rock, requests modification of Southern California Production Area to 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.
2. Zone rates in the tariff for the transportation of rock, sand, and gravel from the new production area to all Orange County delivery zones.

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. Oceana operates a rock and sand plant in Orange County east of Ortega Highway. It is not in a defined production area.

2. Oceana ships substantial quantities of the 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 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 new Home Node 41016 to the proposed production area. It has developed tie-in segments of 6.2 one-way miles and 29 round-trip minutes between there and entry Network Node 41014 for computing the zone rates. It has also developed a boundary description for the proposed production area for publication in Directory 1.

The petition was listed on the Commission's Daily Transportation Calendar of August 5, 1983. Copies were served on various interested parties. 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 five days later.

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 rock, sand, and gravel are produced.

3. Present MRT 17-A rates do not apply to transportation of rock, sand, and gravel 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.

O R D E R

IT IS ORDERED that:

1. MRT 17-A (Appendix C of Decision (D.) 80578, as amended) is further amended by incorporating Original Page 5-W, attached, to become effective five 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 Fifth Revised Pages 147 and 148, attached, to become effective five 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 five 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 § 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.

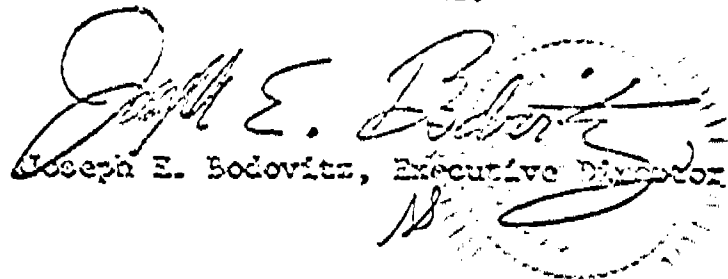
8. The Executive Director shall serve a copy of the tariff amendments on each subscriber to MRT 17-A.

This order is effective today.

Dated OCT 19 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
FRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

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

COMMODITIES AS DESCRIBED IN ITEM 60

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

ZONE	RATE	ZONE	RATE
30001	372	30051	275
30002	359	30052	300
30003	367	30053	302
30004	387	30054	320
30005	397	30055	310
30006	397	30056	319
30007	407	30057	336
30008	384	30058	374
30009	358	30059	350
30010	345	30060	338
30011	361	30061	319
30012	347	30062	298
30013	364	30063	282
30014	356	30064	275
30015	366	30065	283
30016	381	30066	241
30017	392	30067	259
30018	379	30068	240
30019	366	30069	213
30020	347	30070	215
30021	341	30071	226
30022	332	30072	242
30023	342	30073	259
30024	327	30074	289
30025	332	30075	305
30026	347	30076	319
30027	327	30077	329
30028	303	30078	313
30029	317	30079	313
30030	301	30080	296
30031	312	30081	263
30032	324	30090	319
30033	347	30091	343
30034	359	30092	304
30035	369	30093	263
30036	378	30094	246
30037	378	30095	236
30038	358	30096	240
30039	372	30097	202
30040	350	30098	189
30041	342	30099	187
30042	331	30100	164
30043	331	30101	141
30044	318	30102	152
30045	305	30103	174
30046	298	30116	167
30047	285	30117	189
30048	283	30118	193
30049	255		
30050	259		

CHANGE, DECISION

83 10 153

EFFECTIVE: OCT 24 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

The northeast 1/4, of the southwest 1/4, of Block 108 Irvine Subdivision, T-5-S.,
 R. SW., S. B. M.

30-S

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:

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.

30-T

No change on this page, Decision No.

83 10 153

EFFECTIVE OCT 24 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>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>The southwesterly 348 acres of Section 9, Township 7 South, Range 6 West, S.B.M., bounded on the east by Cleveland National Forest and on the north by Caspers Regional Park.</p>	<p>30-U</p> <p>30-V</p> <p>*30-W</p>

* Addition, Decision No.

83 10 153

EFFECTIVE OCT 24 1985

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

Correction