

Decision No. 87101

ORIGINAL

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 and)
gravel in bulk, in dump truck)
equipment in Northern California)
as provided in Minimum Rate)
Tariff 20 and Northern California)
Production Area and Delivery Zone)
Directory 2; and the revisions or)
reissues thereof.)

Case No. 9820
Petition for Modification No. 6
(Filed October 8, 1975; amended
November 17, 1975)

(For list of Appearances see Decision No. 85482.)

O P I N I O N

Minimum Rate Tariff 20 (MRT 20) contains zone rates for the transportation of rock, sand, and gravel in four-axle and five-axle dump truck equipment from defined production areas to designated delivery zones in northern California. In Petition 6 Hillsdale Rock Co., Inc. requests that the descriptions for Production Areas 43-B and 43-C be revised to allow rate parity between the production areas involving petitioner's facility (43-C) and the facility of protestant, Raisch Products, Inc. (43-B).

Petition 5 of the California Dump Truck Owners Association and Petition 6 were consolidated for public hearing before Examiner Gagnon at San Francisco on December 1, 1975. Petition 5 was submitted (Decision No. 85482) and Petition 6 was adjourned for further hearing on February 9, 1976. At the adjourned hearing it became clear that the competitive interests of the respective parties would be best served if the matter was taken off calendar in order to afford petitioner and protestant an opportunity to resolve their differences.

On January 18, 1977 the Commission's Transportation Division staff distributed a report to all appearances of record in Petition 6. The report, which is hereby received in evidence as Exhibit 19, is entitled "Proposed Amendments in Directory 2 of the Descriptions for Production Areas 43-B and 43-C and Proposed Amendments in Minimum Rate Tariff 20 of the Rates from Production Areas 43-B and 43-C to Delivery Zone 3002." The report states:

"Further discussions were held by the staff with the various parties involved including Hillsdale Rock Co., Inc., Raisch Company, and the California Dump Truck Owners Association. Proposals and counter proposals were made by Hillsdale and Raisch. By letter dated December 20, 1976, Hillsdale Rock agreed to a plan proposed by Raisch Company, as outlined in their letter of September 15, 1976, based on discussions with the staff. Proposed changes to the Production Areas involved and to the rates to Delivery Zone 3002 are included herein."

The proposed changes in Production Areas 43-B and 43-C, together with the adjusted zone rates resulting therefrom, establish a desirable equality of competitive opportunity between the two highly competitive facilities involved. The zone rates proposed by the staff will result in just, reasonable, and nondiscriminatory minimum rates for the transportation to which the rates would apply. The proposed changes in Production Areas 43-B and 43-C should be established. Future adjustments in these zone rates should give consideration to maintaining the competitive equality established herein. Petition 6 should be granted to the extent provided by this order herein. A further adjourned hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Directory 2 (Appendix B of Decision No. 81799, as amended) is further amended by incorporating therein, to become effective April 16, 1977, First Revised Page 7 and First Revised Page 8, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 20 (Appendix A to Decision No. 81799, as amended) is further amended by incorporating therein, to become effective April 16, 1977, Third Revised Page 5-A, Third Revised Page 5-B, Third Revised Page 5-C, and Third Revised Page 5-D, attached hereto and by this reference made a part hereof.

3. Common carriers subject to the Public Utilities Code, to the extent that they also are subject to Decision No. 81799, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

4. Tariff publications authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the fifth day after the effective date of this order on not less than five days' notice to the Commission and to the public if filed not later than sixty 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 Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby 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, Decision No. 81799, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th
day of MARCH, 1977.

Robert Bateman
President
William J. Quinn
James L. Stinson
Elton
Charles P. Cravick
Commissioners

SECTION 1--DESCRIPTIONS OF PRODUCTION AREAS (Continued)

SAN MATEO COUNTY PRODUCTION AREAS	AREA
The area within 1 mile of the point where SSR 92 overcrosses Pilarcitas Creek. (Pilarcitas)	41-A
The area within 3/4 mile of the intersection of Solano Road and San Francisco Ave. (Brisbane)	41-B
The area within 1/2 mile of the intersection of SSR 1 and Reina Del Mar Ave. (Pacifica)	41-C
The area within 1/4 mile of the intersection of Sharp Park Road and Isabel Drive. (Pacifica)	41-D
The area within 1 mile from a point on Hillside Blvd. located 1/2 mile east of its intersection with "F" Street. (Colma)	41-E
The area within 1/2 mile of the intersection of Edgewood Road and Edmonds Road. (Redwood City)	41-F

NO CHANGE ON THIS PAGE, DECISION NO. **87101**

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

SECTION 1--DESCRIPTIONS OF PRODUCTION AREAS (Continued)

AREA	SANTA CLARA COUNTY PRODUCTION AREAS
43-A	The area within 1/2 mile of the intersection of L'Avenida Ave. and Macon Ave. (Mountain View)
43-B	The area within 1/4 mile of the intersection of Monterey Road and Coble Lane. (San Jose)
43-C	Beginning at the intersection of Monterey Road and Daylight Way; westerly along an imaginary line to the intersection of Hillsdale Avenue and Narvaez Avenue; southerly along Narvaez Avenue to the intersection of Narvaez Avenue and Capitol Expressway; easterly along Capitol Expressway to its intersection with Monterey Road; northerly along Monterey Road to the point of beginning. (San Jose)
43-D	The area within 1 mile of the intersection of Monterey Road (US 101) and Metcalf Road. (San Jose)
43-K	The area within 1/2 mile of the intersection of Monterey Road (US 101) and Ogier Road. (San Jose)
43-F	The area within 1 mile of the intersection of Blossom Hill Road and Almaden Expressway. (San Jose)
43-G	The area within 1-1/2 miles from a point on Alma Bridge Road 1 mile east of its intersection with SSR 17. (Los Gatos)
43-H	The area within 2-1/2 miles of the intersection of Stevens Creek Blvd. and Foothill Blvd. (Cupertino)
43-I	The area within 1/2 mile of the intersection of Hicks Road and Pheasant Road. (San Jose)
43-J	The area within 1/2 mile of the intersection of Prospect Ave. and Stonebrook Drive. (Los Altos Hills)
43-K	The area within 1/2 mile from a point on Los Trancos Road located 3/4 of a mile south of the intersection of Alpine Road and Los Trancos Road. (Portola Valley)
43-L	The area within a 1 mile radius of the intersection of Old Calaveras Road and Evans Road. (Milpitas)
43-M	The area within a 1/2 mile radius of the intersection of Clayton Road and Fall Avenue. (San Jose)

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MINIMUM RATE TARIFF 20

SECTION 5 - ZONE RATES IN CENTS PER TON									
COMMODITIES AS DESCRIBED IN ITEM 60									
FROM SANTA CLARA COUNTY PRODUCTION AREA 43-A TO THE DELIVERY ZONES SET FORTH BELOW									
ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
101	248	505	98	1109	281	2107	76	3005	152
102	249	506	104	1110	267	2201	106	3101	153
103	273	507	124	1201	253	2202	123	3102	158
104	233	508	106	1301	237	2203	106	3201	160
105	240	509	101	1302	252	2301	132	3202	216
106	262	510	72	1303	238	2302	134	3203	174
107	274	511	82	1304	258	2303	152	3204	172
108	225	512	103	1305	260	2401	101	3301	194
109	237	513	119	1306	249	2402	118	3303	204
110	251	514	68	1307	231	2403	113	3401	89
111	262	515	114	1308	221	2404	123	3501	103
112	216	516	119	1401	278	2405	123	3502	109
113	218	517	145	1402	273	2406	134	5001	237
114	225	518	151	1403	269	2501	86	5002	241
115	232	601	51	1404	240	2502	96	5003	250
116	204	602	71	1405	227	2503	100	5004	257
201	193	603	89	1501	235	2504	107	5005	270
202	204	604	56	1502	214	2505	117	5006	280
203	226	605	69	1503	213	2506	116	5007	292
204	242	606	45	1504	204	2507	127	5008	303
205	200	701	43	1505	215	2601	62	5009	313
207	232	702	40	1506	202	2602	79	5010	320
208	202	703	64	1601	195	2603	71	5011	327
209	224	704	62	1602	197	2604	82	5012	330
301	176	705	55	1603	191	2605	80	5013	349
302	183	706	51	1604	188	2606	96	5014	344
303	196	707	69	1701	175	2607	112	5015	347
304	215	801	364	1702	167	2701	71	5016	317
305	161	802	352	1703	163	2702	96	5017	337
306	171	803	346	1704	153	2703	99		
307	167	804	338	1705	165	2704	99		
308	156	805	378	1801	169	2706	111		
309	151	806	373	1802	148	2801	111		
401	136	901	352	1803	161	2802	109		
402	148	902	354	1804	169	2803	118		
403	128	903	332	1805	148	2804	112		
404	129	904	358	1901	139	2805	140		
405	134	1001	337	1902	126	2806	127		
406	127	1002	208	1903	145	2808	134		
407	122	1003	307	1904	119	2901	119		
408	117	1004	299	2001	143	2902	135		
409	112	1005	285	2002	153	2903	133		
410	108	1101	323	2003	135	2904	148		
411	127	1102	307	2004	119	2905	151		
412	142	1103	293	2101	61	2906	145		
413	153	1104	289	2102	76	2907	135		
501	101	1105	308	2103	70	3001	134		
502	111	1106	311	2104	100	3002	156		
503	134	1107	298	2105	91	3003	139		
504	86	1108	269	2106	95	3004	162		

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CORRECTION SAN FRANCISCO, CALIFORNIA.

SECTION 5 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SANTA CLARA COUNTY PRODUCTION AREA 43-B
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
101	357	505	207	1109	296	2107	124	3005	44				
102	358	506	213	1110	284	2201	118	3101	72				
103	383	507	225	1201	362	2202	123	3102	82				
104	343	508	208	1301	275	2203	110	3201	74				
105	349	509	210	1302	269	2301	96	3202	120				
106	372	510	181	1303	256	2302	89	3203	79				
107	383	511	191	1304	236	2303	82	3204	61				
108	335	512	212	1305	277	2401	90	3301	98				
109	346	513	215	1306	266	2402	99	3303	108				
110	360	514	177	1307	248	2403	82	3401	153				
111	371	515	206	1308	238	2404	90	3501	187				
112	325	516	210	1401	296	2405	79	3502	173				
113	327	517	237	1402	291	2406	68	5001	250				
114	334	518	243	1403	286	2501	106	5002	253				
115	341	601	160	1404	257	2502	94	5003	263				
116	313	602	180	1405	244	2503	92	5004	299				
201	303	603	194	1501	252	2504	70	5005	282				
202	313	604	165	1502	233	2505	79	5006	292				
203	335	605	178	1503	230	2506	67	5007	305				
204	352	606	154	1504	222	2507	63	5008	315				
205	309	701	148	1505	232	2601	137	5009	326				
207	341	702	148	1506	219	2602	139	5010	333				
208	312	703	164	1601	215	2603	128	5011	339				
209	327	704	155	1602	215	2604	129	5012	342				
301	285	705	145	1603	208	2605	121	5013	362				
302	293	706	140	1604	205	2606	121	5014	356				
303	305	707	150	1701	203	2607	94	5015	359				
304	318	801	382	1702	204	2701	133	5016	329				
305	270	802	369	1703	184	2702	125	5017	349				
306	280	803	364	1704	174	2703	141						
307	276	804	355	1705	183	2704	113						
308	265	805	395	1801	182	2705	127						
309	261	806	390	1802	160	2801	102						
401	245	901	369	1803	173	2802	106						
402	258	902	371	1804	182	2803	89						
403	237	903	349	1805	160	2804	112						
404	236	904	405	1901	151	2805	107						
405	243	1001	354	1902	138	2806	138						
406	236	1002	325	1903	158	2806	114						
407	231	1003	324	1904	131	2901	87						
408	226	1004	316	2001	188	2902	62						
409	222	1005	302	2002	165	2903	73						
410	217	1101	341	2003	148	2904	64						
411	237	1102	325	2004	132	2905	66						
412	231	1103	310	2101	125	2905	81						
413	259	1104	306	2102	136	2907	90						
501	211	1105	325	2103	130	3001	45						
502	220	1106	328	2104	128	3002	43						
503	245	1107	312	2105	116	3003	38						
504	195	1108	285	2105	112	3004	51						

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MINIMUM RATE TARIFF 20

SECTION 5 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SANTA CLARA COUNTY PRODUCTION AREA 43-C
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
101	364	305	201	1109	305	2107	131	3005	47		
102	365	306	220	1110	291	2201	123	3101	73		
103	369	307	214	1201	369	2202	130	3102	66		
104	350	308	196	1301	282	2203	117	3201	57		
105	356	309	214	1302	276	2301	103	3202	124		
106	379	310	188	1303	262	2302	95	3203	82		
107	390	311	196	1304	293	2303	85	3204	64		
108	342	312	217	1305	294	2401	97	3301	101		
109	353	313	204	1306	273	2402	106	3303	111		
110	367	314	184	1307	235	2403	89	3401	141		
111	369	315	195	1308	245	2404	96	3501	176		
112	332	316	199	1401	303	2405	86	3502	151		
113	334	317	223	1402	296	2406	73	5001	237		
114	341	318	232	1403	293	2501	113	5002	260		
115	348	601	167	1404	264	2502	112	5003	270		
116	320	602	187	1405	231	2503	100	5004	276		
201	309	603	194	1501	239	2504	86	5005	289		
202	320	604	172	1502	240	2505	82	5006	299		
203	342	605	180	1503	237	2506	82	5007	312		
204	351	606	161	1504	229	2507	71	5008	322		
205	316	701	153	1505	239	2601	144	5009	333		
207	336	702	150	1506	226	2602	127	5010	339		
208	318	703	160	1601	222	2603	133	5011	346		
209	316	704	151	1602	221	2604	120	5012	349		
301	292	705	151	1603	215	2605	126	5013	369		
302	299	706	145	1604	212	2606	110	5014	363		
303	307	707	138	1701	210	2607	94	5015	366		
304	307	801	349	1702	211	2701	121	5016	336		
305	277	802	376	1703	191	2702	113	5017	356		
306	287	803	370	1704	180	2703	130				
307	283	804	362	1705	190	2704	102				
308	272	805	402	1801	189	2705	110				
309	287	806	397	1802	167	2801	85				
401	232	901	376	1803	180	2802	89				
402	263	902	378	1804	186	2803	72				
403	244	903	356	1805	167	2804	95				
404	243	904	412	1901	158	2805	90				
405	230	1001	361	1902	143	2806	120				
406	243	1002	332	1903	163	2808	97				
407	238	1003	331	1904	138	2901	72				
408	233	1004	323	2001	193	2902	59				
409	229	1005	309	2002	172	2903	58				
410	224	1101	348	2003	153	2904	48				
411	244	1102	332	2004	139	2905	51				
412	247	1103	317	2101	132	2906	64				
413	248	1104	313	2102	143	2907	73				
501	217	1105	332	2103	137	3001	61				
502	227	1106	335	2104	135	3002	43				
503	230	1107	319	2105	123	3003	53				
504	202	1108	293	2106	119	3004	47				

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CORRECTION

SECTION 5 - ZONE RATES IN CENTS PER TON

COMMODITIES AS DESCRIBED IN ITEM 60

FROM SANTA CLARA COUNTY PRODUCTION AREA 43-D
TO THE DELIVERY ZONES SET FORTH BELOW

ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
101	384	505	235	1109	325	2107	152	3005	79				
102	385	506	240	1110	312	2201	145	3101	95				
103	410	507	250	1201	389	2202	151	3102	86				
104	370	508	242	1301	302	2203	134	3201	100				
105	376	509	237	1302	296	2301	123	3202	82				
106	399	510	209	1303	283	2302	115	3203	51				
107	410	511	219	1304	313	2303	105	3204	77				
108	362	512	240	1305	305	2401	117	3301	60				
109	373	513	256	1306	294	2402	126	3303	70				
110	388	514	204	1307	276	2403	109	3401	194				
111	399	515	247	1308	266	2404	117	3501	228				
112	353	516	251	1401	323	2405	107	3502	214				
113	355	517	278	1402	318	2406	96	5001	277				
114	361	518	244	1403	313	2501	134	5002	280				
115	369	601	188	1404	283	2502	133	5003	290				
116	340	602	207	1405	272	2503	133	5004	297				
201	330	603	225	1501	279	2504	121	5005	309				
202	341	604	193	1502	261	2505	130	5006	319				
203	362	605	205	1503	257	2506	107	5007	332				
204	379	606	181	1504	249	2507	114	5008	342				
205	337	701	176	1505	260	2601	164	5009	353				
207	369	702	175	1506	246	2602	177	5010	360				
208	339	703	191	1601	242	2603	156	5011	367				
209	361	704	182	1602	242	2604	163	5012	370				
301	312	705	172	1603	235	2605	148	5013	389				
302	320	706	167	1604	232	2606	162	5014	383				
303	333	707	189	1701	231	2607	135	5015	386				
304	352	801	409	1702	232	2701	174	5016	356				
305	298	802	396	1703	212	2702	166	5017	377				
306	308	803	391	1704	201	2703	182						
307	303	804	383	1705	210	2704	154						
308	293	805	422	1801	209	2705	166						
309	288	806	418	1802	188	2801	141						
401	273	901	396	1803	200	2802	145						
402	285	902	398	1804	209	2803	128						
403	264	903	376	1805	188	2804	151						
404	265	904	433	1901	178	2805	145						
405	270	1001	381	1902	165	2806	170						
406	284	1002	352	1903	185	2808	147						
407	259	1003	351	1904	158	2901	128						
408	254	1004	343	2001	216	2902	113						
409	249	1005	330	2002	192	2903	114						
410	244	1101	368	2003	175	2904	103						
411	264	1102	352	2004	159	2905	105						
412	278	1103	337	2101	152	2906	114						
413	289	1104	334	2102	163	2907	128						
501	238	1106	352	2103	158	3001	96						
502	248	1106	355	2104	155	3002	87						
503	271	1107	339	2105	143	3003	88						
504	222	1108	313	2106	139	3004	84						

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SAN FRANCISCO, CALIFORNIA