

ORIGINAL

Decision No. 87155

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of J. S. Shafer, Jr.,
for authority, pursuant to Provisions
of Section 3666 of the Public
Utilities Code, to depart from the
minimum rates, rules and regulations
of Minimum Rate Tariff No. 17-A.

} Application No. 56055
(Filed November 10, 1975;
amended March 12, 1976 and
January 3, 1977)

THIRD INTERIM ORDER

By Decision No. 85234 dated December 16, 1975, as amended by Decision No. 85651 dated March 30, 1976, applicant J. S. Shafer, Jr., was authorized, pending public hearing, to deviate from the minimum rates for transportation services provided for Corona Rock and All American Asphalt. That authority was due to expire on December 31, 1976 but was extended to March 31, 1977 by Decision No. 86791 dated December 21, 1976.

By the amendment filed January 3, 1977 applicant seeks, among other things, to change the presently authorized deviation rate of \$1.89 per ton to \$2.03. There is a pending protest to this application, and it appears that the matter may not be resolved without hearing. We conclude that the requested new deviation rate is reasonable and that the authority should be extended on a temporary basis to June 30, 1977 pending possible resolution of the protest by the parties or in a hearing. Since the present authority will expire on March 31, 1977 we will make this order effective April 1, 1977.

We find the rate of \$2.03 to be just and reasonable for the transportation described in Appendix A attached hereto.

IT IS ORDERED that:

1. J. S. Shafer, Jr., is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 17-A by charging the rate set forth in Appendix A of this decision.

2. The authority granted shall expire June 30, 1977 unless sooner canceled, modified, or extended by order of the Commission.

The effective date of this order is April 1, 1977.

Dated at San Francisco, California, this 29th day of MARCH, 1977.

Robert B. Brown
President
William J. Brown
Thomas L. Stinson
Alton
Richard C. Howell
Commissioners

APPENDIX A

Shippers: Corona Rock, Corona, California.
All American Asphalt, Westminster, California.

Commodities: Rock, sand, and gravel as described in Item 60,
Minimum Rate Tariff 17-A.

From: Corona Rock, Corona. Production Area 33-R.

To: All American Asphalt, Westminster, Delivery Zone 30041.

Rate: \$2.03 per ton.

Conditions:

- (a) Charges to underlying carriers for trailer rental shall be 25 percent of the rate authorized herein in connection with transportation services performed by such underlying carriers under the authority described above.
- (b) In the event the minimum rate named in Minimum Rate Tariff 17-A applicable to transportation of rock, sand, or gravel from Production Area 33-R and Delivery Zone 30041 is adjusted by order of this Commission, the rate named above shall be adjusted proportionately.
- (c) Other than the authority described above, all other provisions of Minimum Rate Tariff 17-A shall apply.