

ORIGINAL

Decision No. 87293

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion for the purpose of consid-)
ering 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 there-)
of.)

Case No. 9819
Petition for Modification
No. 20
(Filed February 24, 1977)

OPINION AND ORDER

Blue Diamond Materials Division of Sully-Miller Contracting Company (Sully-Miller) is engaged in the business of producing, marketing and distributing rock, sand and gravel at a new commercial production plant located in Orange County. By this petition, Sully-Miller seeks to have those production facilities designated as a dump truck production area in Southern California Production Area and Delivery Zone Directory 1 and zone rates established therefrom in Minimum Rate Tariff 17-A (MRT 17-A) to delivery zones in Orange County.

The description of the proposed production area is set forth in the application.

At present the transportation of shipments of rock, sand and gravel from the subject facilities by for-hire dump truck carriers is subject to distance or hourly rates in Minimum Rate Tariff 7-A. However, the minimum rates which apply for the transportation of rock, sand and gravel by dump truck carriers from many commercial rock products plants in southern California are zone rates which are set forth in MRT 17-A. Sully-Miller states that the establishment of a new production area at its Orange County plant and zone rates

therefrom will result in rate parity with competing producers. Assertedly, this will eliminate rate discrimination now favoring those competitors.

Appended to the petition are the results of a test traverse made by Sully-Miller to determine the times and distances necessary to tie the production facilities into the traverse network, and a sketch map showing the location of the proposed production area and existing reference points. Petitioner submits that establishment of the sought zone rates should be noncontroversial and that the petition can be disposed of properly by ex parte procedure.

The staff has prepared a traverse map section showing the proposed production area and the tie-in data to the traverse network. The traverse map section is attached as Appendix A. The staff also has prepared a runout of round trip times, one-way miles, costs and resulting zone rates. These data are included in the file in this petition as Exhibit 1.

Copies of the verified petition were served on known carrier and shipper organizations on or about February 22, 1977. The petition was listed on the Commission's Daily Calendar of February 28, 1977. No objection to the granting of the petition has been received.

It is clear that the establishment of the zone rates which are sought by petitioner would provide rates for the transportation of petitioner's shipments which are the same in kind and character as the zone rates in MRT 17-A from other production areas in Orange County. In the circumstances the Commission finds that the designation of Sully-Miller's Orange County plant area and the establishment of zone rates therefrom as hereinafter provided will result in just, reasonable and nondiscriminatory minimum rates for the transportation to which the rates would apply. The production area and the rates therefrom should be established. The

petition should be granted and the effective date of this order should be the date hereof because there is an immediate need for this rate relief. A public hearing is not necessary.

IT IS ORDERED that:

1. Directory 1 (Appendix A of Decision 69469, as amended) is further amended by incorporating therein, to become effective May 14, 1977, First Revised Pages 147 and 148, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 17-A (Appendix C of Decision 80578, as amended) is further amended by incorporating therein, to become effective May 14, 1977, Eighth Revised Page 5-S and Original Page 5-T, attached hereto and by this reference made a part hereof.

3. Common carriers subject to the Public Utilities Act to the extent that they are subject to Decisions 69469 and 80578, 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 may be made effective on not less than ten 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 amendments authorized hereinabove, are hereby 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 amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

C. 9819 (Pet. 20) - PNK/cab

6. In all other respects Decisions 69469 and 80578, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd day of MAY, 1977.

Robert Bateman
President

William Synson, Jr.

Terrence L. Sturgeon

Richard D. Grady

Commissioners

40263
CHAPMAN AVE.

Proposed
Production Area
30-T

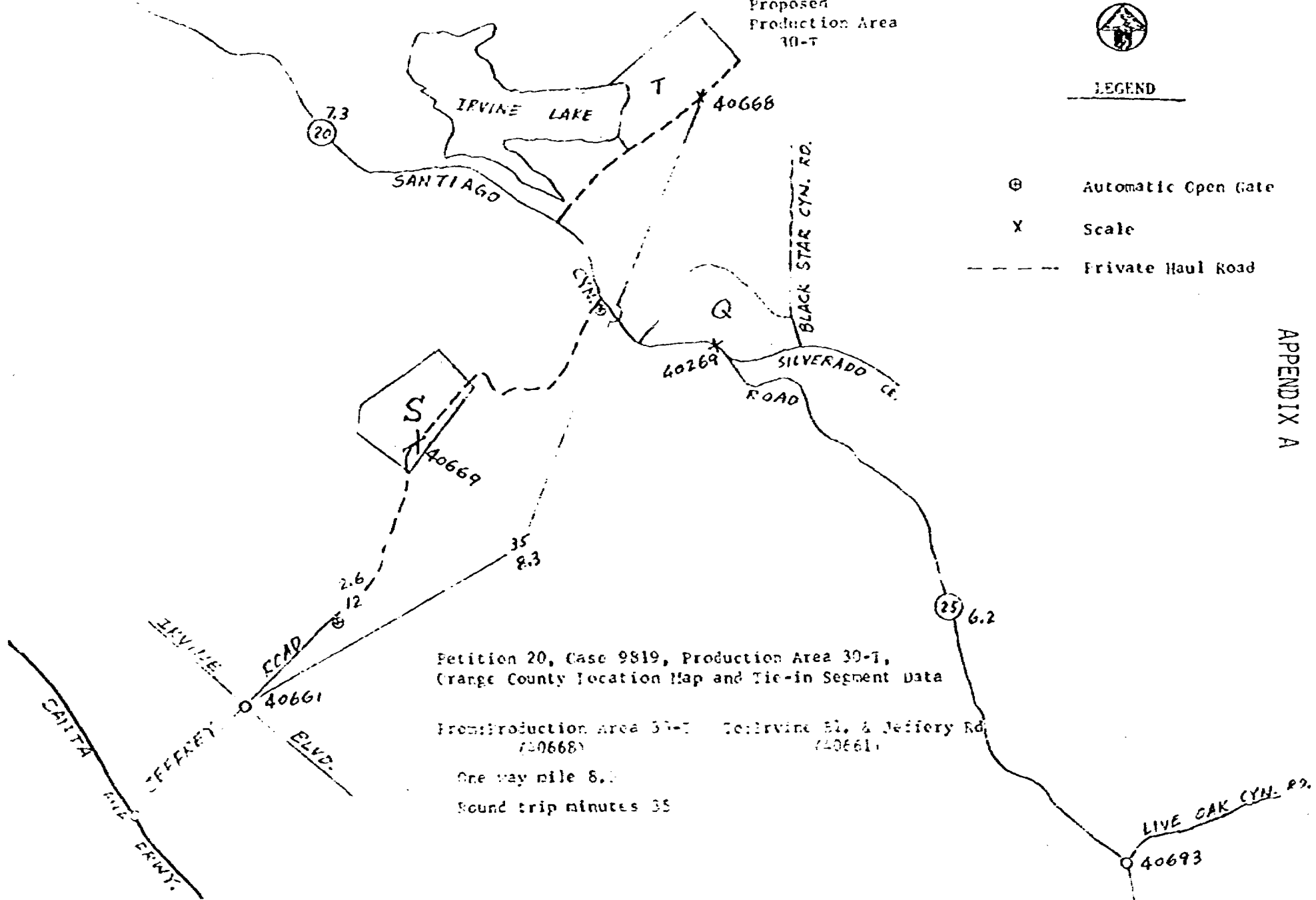


LEGEND

⊕ Automatic Open Gate

X Scale

--- Private Haul Road



Petition 20, Case 9819, Production Area 30-T,
Orange County Location Map and Tie-in Segment Data

From: Production Area 30-T (40668) To: Irvine Bl. & Jeffery Rd. (40661)

One way mile 8.3
Round trip minutes 35

APPENDIX A

SECTION 3--ORANGE COUNTY PRODUCTION AREAS AND DELIVERY ZONES (Continued)	
ORANGE COUNTY PRODUCTION AREAS	ZONE
<p>The northeast $\frac{1}{4}$, of the southwest $\frac{1}{4}$, of Block 108 Irvine Subdivision, T-5-S., R. 8W., S. 8. N.</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' 38" 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 2240.44 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-S</p> <p>*30-T</p>
<p>* Addition, Decision No. 87293</p>	
EFFECTIVE	
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)

Page 148 reserved.

No change on this page, Decision No.

87293

EFFECTIVE

Correction

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

EIGHTH REVISED PAGE.....5-6
 CANCELS
 SEVENTH REVISED PAGE....5-5

MINIMUM RATE TARIFF 17-A

SECTION 5 - ZONE RATES IN CENTS PER TON							
COMMODITIES AS DESCRIBED IN ITEM 60							
FROM ORANGE COUNTY PRODUCTION AREA 30-S TO THE DELIVERY ZONES SET FORTH BELOW							
ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
30001	168	30051	97				
30002	161	30052	116				
30003	167	30053	129				
30004	163	30054	141				
30005	161	30055	148				
30006	161	30056	155				
30007	168	30057	166				
30008	180	30058	186				
30009	160	30059	179				
30010	166	30060	170				
30011	160	30061	155				
30012	152	30062	139				
30013	165	30063	127				
30014	156	30064	114				
30015	167	30065	104				
30016	178	30066	70				
30017	187	30067	92				
30018	177	30068	65				
30019	166	30069	102				
30020	152	30070	101				
30021	147	30071	89				
30022	141	30072	96				
30023	147	30073	110				
30024	135	30074	133				
30025	137	30075	145				
30026	143	30076	155				
30027	124	30077	163				
30028	115	30078	153				
30029	124	30079	153				
30030	117	30080	134				
30031	125	30081	113				
30032	133	30082	154				
30033	153	30083	176				
30034	162	30084	153				
30035	170	30085	154				
30036	180	30086	151				
30037	186	30087	143				
30038	171	30088	125				
30039	185	30089	155				
30040	166	30090	165				
30041	162	30091	116				
30042	150	30100	133				
30043	142	30101	146				
30044	130	30102	162				
30045	120	30103	179				
30046	115	30116	174				
30047	105	30117	190				
30048	91	30118	194				
30049	77						
30050	65						

CHANGE, DECISION NO. **87293** EFFECTIVE
 ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 CORRECTION SAN FRANCISCO, CALIFORNIA.

SECTION 5 - ZONE RATES IN CENTS PER TON							
COMMODITIES AS DESCRIBED IN ITEM 60							
FROM ORANGE COUNTY PRODUCTION AREA 30-T TO THE DELIVERY ZONES SET FORTH BELOW							
ZONE	RATE	ZONE	RATE	ZONE	RATE	ZONE	RATE
30001	206	30051	135				
30002	199	30052	153				
30003	204	30053	166				
30004	220	30054	179				
30005	228	30055	186				
30006	228	30056	192				
30007	235	30057	205				
30008	217	30058	225				
30009	197	30059	216				
30010	185	30060	207				
30011	197	30061	193				
30012	190	30062	176				
30013	203	30063	165				
30014	196	30064	151				
30015	204	30065	141				
30016	215	30066	107				
30017	224	30067	129				
30018	214	30068	123				
30019	204	30069	139				
30020	190	30070	138				
30021	185	30071	126				
30022	178	30072	133				
30023	185	30073	147				
30024	172	30074	170				
30025	174	30075	182				
30026	180	30076	193				
30027	165	30077	200				
30028	153	30078	190				
30029	196	30079	190				
30030	154	30080	175				
30031	162	30081	150				
30032	172	30080	196				
30033	190	30091	215				
30034	199	30092	190				
30035	207	30093	191				
30036	218	30094	188				
30037	224	30095	181				
30038	208	30096	162				
30039	224	30097	192				
30040	204	30098	203				
30041	199	30099	154				
30042	188	30100	170				
30043	179	30101	183				
30044	167	30102	200				
30045	157	30103	216				
30046	152	30116	211				
30047	142	30117	227				
30048	128	30118	231				
30049	114						
30050	123						
CHANGE, DECISION NO. 87293				EFFECTIVE			
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