

ORIGINAL

Decision No. 87297

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of HARRISON-NICHOLS CO., LTD., CALIFORNIA SAND TRANSPORT, SILICA SAND TRANSPORT, DONALD TALLEY, A. H. DISSINGER, DENNIS TRANSPORT, DANIEL C. REYNOLDS, CLIFFORD E. WALTERS, F. L. HART, SR., F. L. HART, JR., AND G. W. HART, ALLAN BRANCH, ROBERT R. WORLEY, JOHN ATKINS, for authority to depart from the minimum rates, rules, and regulations of Minimum Rate Tariff No. 7-A, pursuant to the provisions of Section 3666 of the Public Utilities Code, for OWENS-ILLINOIS, INC.

Application No. 56093
(Filed November 25, 1975;
amended January 13, 1976
and March 2, 1977)

ORDER REEXTENDING INTERIM AUTHORITY

Applicant Harrison-Nichols Company, Ltd., a California corporation, and other carriers listed above (Harrison-Nichols, et al.) were granted interim authority by Decision No. 85538 dated March 9, 1976 in Application No. 56093 to deviate from the minimum rates named in Minimum Rate Tariff 7-A for the transportation of processed silica sand from the Mission Viejo production plant of Owens-Illinois Glass Company in the city of San Juan Capistrano to the Owens-Illinois Glass Company factory in Vernon.

An extension of this interim authority to expire March 9, 1977 was sought and granted by Decision No. 86358 dated September 1, 1976 to enable applicants to obtain more reliable data and information to support their application. Certain of the applicants here held similar interim deviation authority from 1971 to 1973 for this operation. Then and now the applications have been opposed by the California Trucking Association which has sought a public hearing on the matter.

A second extension to the interim authority to expire May 9, 1977 was granted by Decision No. 87036 dated March 1, 1977 to allow for hearing and decision of the matter. Public hearing began before Examiner John B. Weiss in Los Angeles on March 2, 1977 and continued on April 18 and April 25, 1977 at which last date the matter was submitted. A final decision is in preparation.

In that such final decision cannot be issued before the present expiration of the interim authority on May 9, 1977, this existing interim authority will be extended to expire August 9, 1977. In that the reduced rates benefit the public, and interruption in the authority pending decision would not be beneficial, the extension should be made effective the date of this decision. However, by a revised exhibit filing during the hearing, applicants seek, among other things, to change the presently authorized deviation rates from \$2.58 to \$2.96 per ton for 8-hour operation, and from \$2.41 to \$2.82 per ton for 24-hour operation. On an interim basis we conclude that the requested deviation rate is reasonably supported by applicants' cost analysis, and it will be adopted with the effective date of this order.

Applicants' second amendment also dropped co-applicants, F. L. Hart, Jr., and G. W. Hart, Allan Branch, and Robert L. Worley, and substituted William von Slomski, W. L. Dobbs, and Tommy Plummer as co-applicants in their stead. For purposes of this extension this substitution will be approved.

Findings

Under the circumstances of a pending final resolution of this amended application, and that the revised rates proposed of \$2.96 per ton for 8-hour operation and \$2.82 per ton per 24-hour

operation are reasonable for these applicants, including the substituted applicants, on an interim basis, the extension of interim authority is warranted.

Conclusion

The interim relief should be continued to expire August 9, 1977, and include the changes provided herein.

O R D E R

IT IS ORDERED that the expiration date of the interim authority granted to Harrison-Nichols, et al. by Decision No. 85538 is extended to August 9, 1977, but that the authorized deviation rates to Harrison-Nichols, et al. and substituted co-applicants shall be \$2.96 per ton for 8-hour operation and \$2.82 per ton for 24-hour operation.

The effective date of this order is the date hereof.

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

Robert B. Fucini
President
William J. Fucini
Harrison L. Fucini
Richard D. Fucini
Commissioners