

ORIGINAL

Decision No. 87382 May 24, 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of UNIVERSAL TRANSPORT SYSTEM,)
INC. for authority, pursuant to)
the provisions of Section 3666 of)
the Public Utilities Code, to de-)
part from the minimum rate, rules)
and regulation of Minimum Rate)
Tariff No. 2.)

Application No. 56953
(Filed December 20, 1976)

OPINION AND ORDER

By this application Universal Transport System, Inc. requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of fly ash and pozzolan for Western Ash Company between various points in northern California.

The application is based on special circumstances and conditions detailed therein.

Revenue and expense data submitted by applicant are sufficient to indicate that the transportation involved may reasonably be expected to be profitable under the proposed rates.

The application was listed on the Commission's Daily Calendar of December 21, 1976. Lassenite Industries, Inc. protested the granting of the application specifically questioning the rate of 5 cents per 100 pounds for accessorial services stating that applicant did not have equipment capable of handling 25 tons of these commodities. Applicant responded to the protest as follows:

"Lassenite alleges that Universal does not have equipment with sufficient capacity to haul 25 tons of pozzolan (fly ash or natural pozzolan). Enclosed is a copy of scale ticket showing a weight of 51,500 pounds of pozzolan loaded into one of Universal's trailers with a capacity of 1,600 cubic feet at protestant's plant at Hallelujah Junction. Protestant's information about Universal's equipment is obviously erroneous.

Lassenite alleges that Universal's rate of \$1.00 per ton is inadequate to compensate Universal for its transfer service. Universal has been in the transportation of dry bulk commodity for 25 years and was required on many occasions to transfer large quantities of dry bulk commodities consisting of cement, pozzolan and salt from rail cars to trucks. The type of equipment for the proposal (sic) transfer was used at Florin, California several years to transfer pozzolan originating at Santa Maria from rail cars to trucks. The experience gained in that and other operations was relied upon in determining Universal's proposed rates."

In the circumstances, the Commission finds that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need for this rate relief.

IT IS ORDERED that:

1. Universal Transport System, Inc., is authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rates set forth therein.

2. The authority granted herein shall expire one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

TM/J1 - A. 56953 *

The effective date of this order is the date hereof.

Dated at Los Angeles, California, this 24th day of MAY 1977. ✓

I concur in the decision
but not to the effective
date hereof.

William Agnew, Jr.

Commissioner

President

Vernon L. Sturgeon

Robert D. George

Commissioners

Commissioner Robert Batinovich, being
necessarily absent, did not participate
in the disposition of this proceeding.

A. 56953

T-45,200

APPENDIX A

Carrier: Universal Transport System, Inc.
Commodity: Fly ash and pozzolan in bulk.
For: Western Ash Company.
Between: Points in California north of San Luis Obispo,
Kern and San Bernardino Counties.

Minimum
Weight: 50,000 pounds.

Rates in Cents per 100 Pounds:

<u>Miles</u>		<u>Rate</u>
<u>Over</u>	<u>But Not Over</u>	
0	3	14.00
3	5	14.00
5	10	15.50
10	15	16.50
15	20	17.50
20	25	19.00
25	30	20.00
30	35	21.00
35	40	23.00
40	45	25.50
45	50	26.50
50	60	27.50
60	70	29.75
70	80	31.25
80	90	34.25
90	100	36.50
100	110	39.00
110	120	41.25
120	130	44.25
130	140	47.50
140	150	50.50
150	160	53.50
160	170	55.00
170	180	59.75
180	190	62.75
190	200	65.75
200	220	68.75
220	240	75.75

Accessorial
Services: When the carrier is required to unload rail cars and
maintain loading facilities, a charge of 5 cents per
100 pounds shall be assessed.

A. 56953

Conditions:

1. Applicant has stated that subhaulers will not be engaged for this transportation. Therefore, if subhaulers are employed, they shall be paid no less than the rates authorized herein without any deduction for use of applicant's trailing equipment.
2. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)