

Decision No. 87562 July 6, 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Dalton Trucking, Inc. for)
authority to deviate from certain)
minimum rates pursuant to Section)
3666 of the California Public)
Utilities Code for transportation)
performed for Heckett Engineering)
Co.)

Application No. 57311
(Filed May 16, 1977)

INTERIM OPINION AND ORDER

By this application, Dalton Trucking, Inc. requests authority to deviate from the provisions of Minimum Rate Tariff 7-A in connection with transportation of slag for Heckett Engineering Co. from Kaiser to Murrieta Hot Springs and points within five miles of said community.

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

The application was listed on the Commission's Daily Calendar of May 18, 1977. California Trucking Association (CTA) objected to the ex parte handling of this matter stating that the reasonableness of the proposed rates cannot be measured from the data submitted by applicant. CTA avers that, although applicant indicates it intends to engage subhaulers, no costs have been developed for the use of subhaulers.

California Dump Truck Owners Association declares that it does not oppose the granting of the requested deviation on the assumption that the Commission will issue its usual order limiting the reduced rate to applicant's own units of equipment.

However, it requests hearing in this matter if applicant desires that the sought rates be made applicable to subhaulers.

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

In the circumstances, the Commission finds that:

1. Applicant's proposal is reasonable for transportation performed by it.
2. Applicant's proposal is reasonable on a temporary basis pending hearing for transportation performed by the involved subhaulers.
3. Any undue delay in this matter would not be in the public interest inasmuch as the proposed rate would enable the shipper to make use of a waste product.
4. Applicant shall direct the underlying carriers involved to measure their cost data for the aforementioned transportation during the interim period of this authority for presentation at a public hearing to be scheduled.

The Commission concludes that the application should be granted as set forth in the ensuring 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. Dalton Trucking, 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.

3. Dalton Trucking, Inc. shall provide the Commission and all parties to this proceeding with the data specified in Finding 4 hereof.

4. A public hearing shall be scheduled on this application at a date to be set in connection with transportation performed by the involved subhaulers under the rate authorized herein.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 6th day of July, 1977.

*I will dissent.
William Sproull Jr*

Robert Bateman
President

Vernon L. Sturgeon
Richard D. Howell

Commissioners

APPENDIX A

Carrier: Dalton Trucking, Inc.
Commodity: Slag, in bulk.
For: Heckett Engineering Co.
From: Kaiser
To: Murrieta Hot Springs and all points within
five miles of said community.
Rate: \$3.20 per ton.
Minimum Weight: 26 tons.

Conditions:

1. Shipments shall be loaded by shipper within 15 minutes after arrival at point of origin.
2. Shipments shall be released in value for loss or damage to an amount not to exceed \$1.60 per ton.
3. Shipper shall issue all shipping documents, including the applicable transportation rate.
4. In the event subhaulers are used, they shall receive not less than 95% of the authorized rate.
5. In all other respects, the rates and rules in Minimum Rate Tariff 7-A shall apply.

(END OF APPENDIX A)