

Decision No. S7704 AUG 9 1977

ORIGINAL

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 FURTHER EXTENDING 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 hearings began before Administrative Law Judge John B. Weiss in Los Angeles March 2, 1977 and continued on April 18 and April 25, 1977, at which last date the matter was submitted. Further extension to expire August 9, 1977, was granted by Decision No. 87297 dated May 3, 1977. A final decision is in preparation.

In that such final decision cannot be issued before the present August 9, 1977 expiration date, this existing interim authority will be continued three months until November 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.

Finding

Under the circumstance of a pending final resolution of this amended application, and that the rates of \$2.96 per ton for 8-hour operation and \$2.82 per ton for 24-hour operation appear reasonable for these applicants on an interim basis, the extension is warranted.

Conclusion

The interim relief should be continued to expire November 9, 1977.

IT IS ORDERED that the expiration date of the interim authority granted to Harrison-Nichols, et al. by Decision No. 85538 is extended to November 9, 1977 with the authorized deviation rates to 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 9th day of AUGUST, 1977.

Robert Bateman
President
William Lyndon J.
Clair L. D. Smith

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.