

ORIGINAL

Decision No. 88155 NOV 29 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of MILES & SONS TRUCKING SERVICE, INC., for authority, pursuant to the provisions of Section 3666 of the Public Utilities Code, to depart from the minimum rates, rules and regulations of Minimum Rate Tariff No. 2.

Application No. 57604
(Filed October 3, 1977)

OPINION AND ORDER

By this application, Miles & Sons Trucking Service, Inc., a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of fly ash and pozzolan for Lassenite Industries, Inc., Ball, Ball & Brosamer, Inc., Granite Construction Company and Kaiser Sand and Gravel between points in California north of San Luis Obispo, Kern and San Bernardino Counties.¹

The application is based on the facts and circumstances detailed herein. Most of the shipments of fly ash and pozzolan will be transported in pneumatic-type trailers, although, in instances where the destinations are not equipped to receive shipments by this method of unloading, the bottom dump hopper-type units will be utilized.

¹ The minimum rates, including the applicable surcharges, and the proposed rates in cents per 100 pounds for representative shipments of fly ash and pozzolan between various points in northern California are:

		Present Rates Minimum Weight 50,000 Pounds		Proposed Rates Minimum Weight 50,000 Pounds
Miles		Class 35.3 Pozzolan	Class 35 Fly Ash	
Over	But Not Over			
0	3	34.22	40.12	14.00
45	50	48.38	63.72	26.50
90	100	60.18	76.70	36.50
140	150	69.62	93.22	50.50
220	240	88.50	118.00	75.75

Fly ash and pozzolan are used extensively by the concrete industry in the production and mixing of concrete. Either commodity may replace cement not to exceed 15 percent by weight.

Pozzolan is produced in California at Hallelujah Junction, Plumas County, and Orcutt, Santa Barbara County. Fly ash is a by-product in the burning of coal. It moves from out-of-state points to railheads in California, where it is unloaded. The primary origins of these movements (fly ash) are in the states of Illinois, Missouri and Nevada.

The railroads unload pozzolan and fly ash by "gravity-dumping" into pits they excavate near the rail car. The excavation is performed by removing 3 railroad ties and by digging a pit in that area. A horizontal support is placed over the excavation and the rail car is placed over it for gravity dumping. Applicant loads its vehicles from this pit, using a screw-type auger which is known in the trade as "bazooka". It loads a trailer and a semi-trailer simultaneously, and it completes the loading of 3 truckloads within one hour. The unloading is generally performed by gravity.

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 October 5, 1977. California Trucking Association protested. The protest does not contain sufficient grounds to warrant a hearing or reject applicant's request for this authority.

Similar authority has been granted in the past to Universal Transport System, Inc. for a different shipper pursuant to Decision 87382, dated May 24, 1977 in Application 56953.

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. Miles & Sons Trucking Service, 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 29th
day of NOVEMBER, 1977.

I dissent.
William Lyons, Jr.

Robert Bateman
President

Vernon L. Sturgeon
Nicholas D. Shavell
Clive L. Dedrick
Commissioners

A. 57604

T-97,217

APPENDIX A

Carrier: MILES & SONS TRUCKING SERVICE, INC.
Commodity: Fly ash and pozzolan, in bulk.
For: Lassenite Industries, Inc., Ball, Ball & Brosamer, Inc., Granite Construction Company, and Kaiser Sand and Gravel
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

APPENDIX A

Conditions:

1. When the carrier is required to unload rail cars and maintain loading facilities, a charge of 6 cents per 100 pounds shall be assessed.
2. 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.
3. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)