

Decision No. 88839 MAY 16 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of NORTHERN CEMENT)
 TRANSPORTATION, INC., a Califor-)
 nia corporation for authority to)
 deviate from the minimum rates)
 and charges prescribed by Minimum)
 Rate Tariff No. 7-A relative to)
 the transportation of sand and)
 gravel in bulk for Pacific Gas &)
 Electric Company as shipper,)
 which deviation is sought under)
 the statutory provisions of Sec-)
 tion 3666 of the Public Utilities)
 Code of the State of California)

Application No. 57234
 (Filed April 18, 1977)

OPINION AND ORDER

Northern Cement Transportation, Inc., a corporation, operates as a highway common carrier for the transportation of cement, a highway contract carrier for the transportation of general commodities and as a dump truck carrier. By this application, it requests authority to deviate from the provisions of Minimum Rate Tariff 7-A (MRT 7-A) in connection with the transportation of sand and gravel in bulk for Pacific Gas and Electric Company from Oakley-Brentwood area to points within the Concord-Walnut Creek area when transporting sand, and from Clayton to Walnut Creek-Concord area when transporting gravel.

The application is based on an agreement between applicant and Pacific Gas and Electric Company similar to that which is provided in Minimum Rate Tariff 15 (MRT 15). Inasmuch as MRT 15 excludes the transportation of commodities for which rates are provided in MRT 7-A, the provisions of MRT 15 would not apply to the proposed transportation. The proposal, therefore, is a provision not found in MRT 7-A which deviates from the "Units of Measurement To Be Observed" rule provided in Item 180 of said tariff.

Although this application was filed on April 18, 1977 it was not processed to its desired conclusion because applicant had failed to provide the necessary data requested by the Commission. This application was reassigned on September 28, 1977 to the Administrative Law Judge Division for a possible hearing. Since applicant

has finally submitted the data on January 23, 1978 the application was reassigned on March 30, 1978 for ex parte handling.

Revenue and expense data submitted by applicant 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 April 20, 1977. No objection to the granting of the application has been received.

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 relief.

IT IS ORDERED that:

1. Northern Cement Transportation, 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 16th day of MAY, 1978.

Robert Bateman
President

L. Christ.
William Lyons Jr.

Vernon L. Sturgeon
Richard P. Gault
David T. D. Smith
Commissioners

APPENDIX A

Northern Cement Transportation, Inc., a corporation, is hereby authorized to transport sand in bulk from Oakley-Brentwood area to points within the Concord-Walnut Creek area and gravel in bulk from Clayton to Walnut Creek-Concord area for Pacific Gas and Electric Company subject to the following conditions:

Conditions:

1. Applicant shall lease to Pacific Gas and Electric Company three (3) tractors and three (3) sets of trailers for a period of one (1) year. Driver, maintenance of equipment and fuel shall be provided by the applicant.
2. Pacific Gas and Electric Company shall pay the applicant the sum of \$4,305 per month per unit for each power unit, plus 29 cents per mile for each mile or fraction thereof in excess of 4,500 miles per month and/or \$12 per hour for each hour or fraction thereof in excess of 180 hours per month per power unit.
3. Shipments shall be loaded and unloaded without expense to the applicant, except for the dumping of materials as provided by said transfer trailer units.
4. Applicant has not indicated that subhaulers will be engaged nor have any costs of subhaulers been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the rates authorized herein.
5. In all other respects the rates and rules in Minimum Rate Tariff 7-A shall apply.

(END OF APPENDIX A)