

Decision No. 89880 ; JAN 16 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of Towler Trucking Co., Inc. for )  
authority to deviate from rates )  
established in Minimum Rate Tariff )  
17A for the transportation of )  
rock sand and gravel between Los )  
Angeles County Production Areas )  
F or G and Orange County Produc- )  
tion Area P )

Application No. 58474  
(Filed November 17, 1978)

OPINION AND ORDER

By this application, Towler Trucking Company, Inc., a California corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 17-A (MRT 17-A) for the transportation of rock, sand and gravel from points in Los Angeles County Production Areas F or G to Orange County Production Area P at a rate of \$2.75 per net ton, minimum weight 25 tons per single unit of carrier's equipment for Huntmix, Inc. (Huntmix).

Applicant states that Huntmix is a substantial producer of asphaltic concrete and operates a plant in Orange County Production Area P, in the vicinity of San Juan Capistrano. It has become desirable for Huntmix to procure rock aggregate used in the manufacture of asphaltic concrete at this San Juan Capistrano location from a facility located in Los Angeles County Production Area F or G provided transportation can be obtained at a reasonable rate. Applicant requests authority to transport rock aggregate for Huntmix at a rate of \$2.75 per ton when such service is a backhaul in conjunction with a load of silica sand transported from Oceanside to the Los Angeles area.

Applicant avers that it transports more than 6,000 tons of silica sand per month from Oceanside to various locations in the Los Angeles area. Huntmix estimates that it will utilize in excess

A. 58474 - mh

of 4,000 tons per month of rock aggregate at its San Juan Capistrano location. The off-route distance involved for applicant to backhaul this rock will involve a maximum of 20.2 one-way miles. It is estimated that the maximum additional time involved will not exceed 1.75 hours. A substantial number of deliveries of silica sand will be to destinations closer than 14 miles from Los Angeles Production Areas F and G. Applicant's requested rate is based on the distance rate for 20 to 21 miles (\$1.93 net ton) plus 30 cents per net ton as provided in Items 270 and 290 of Minimum Rate Tariff 7-A.

Applicant anticipates and intends that the subject transportation will be in its own equipment. In the unlikely event that an underlying carrier is used, applicant will pay said subhauler not less than 95 percent of the rate proposed herein and only when such subhauling is in fact a backhaul by the subhauler.

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

The application was listed on the Commission's Daily Calendar of November 20, 1978. 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 rate relief.

IT IS ORDERED that:

1. Towler Trucking Company, 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 rate set forth therein.

A. 58474 - mh

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 JANUARY, 1979.

Robert B. Smith  
President  
Richard D. Howell  
Clare J. Desnick

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Commissioners

APPENDIX A

CARRIER: Towler Trucking Company, Inc.

SHIPPER: Huntmix, Inc.

A. COMMODITIES:

Rock, natural crushed, chips, waste or dirt  
(Subject to Notes 1 and 2);  
Sand;  
Gravel.

Note 1. The term "rock" as used herein,  
includes stone.

Note 2. The term "rock" as used herein,  
does not include any rock or rocks  
having a combined length and girth  
in excess of 65 inches per single  
rock.

B. ORIGINS AND DESTINATION:

From points in Los Angeles County Production  
Areas F or G to Orange County Production Area P  
as described in Southern California Production  
Area and Delivery Zone Directory 1.

C. RATE:

\$2.75 per net ton, minimum weight 25 net tons  
per single unit of carrier's equipment.

D. CONDITIONS:

1. The rate herein will apply only to "backhaul"  
transportation service provided by dump truck  
equipment which has made a primary haul from  
Oceanside to a destination within 20 miles of  
Los Angeles County Production Areas F or G.
2. In the event an underlying carrier is utilized,  
said underlying carrier must have conformed to  
Condition D 1 above and be paid not less than  
95% of the rate provided herein.
3. In all other respects, the rates and rules in  
Minimum Rate Tariff 17-A shall apply.

(END OF APPENDIX A)