

Decision No. 91211 JAN 8 - 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of STANDARD SERVICE CO., a)
California corporation, seeking)
an order under the provisions of)
Section 3666 of the Public)
Utilities Code authorizing)
Applicant to Deviate from the)
Minimum Rates in Minimum Rate)
Tariff No. 2 applicable to the)
transportation of Fly Ash for)
Standard Concrete Materials,)
Inc. from Trona, CA.)

Application No. 59226
(Filed October 19, 1979)
(Amended November 27, 1979)

OPINION AND ORDER

By this application, as amended, Standard Service Company (Standard), a partnership^{1/}, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of fly ash for Standard Concrete Materials, Inc. from Trona to points within 200 miles.^{2/}

Standard states that it has been transporting for the shipper, an average of 300 tons of fly ash weekly, for the last three months, to namely: Mira Loma, Westminster and Santa Ana. Applicant avers that the commodity, fly ash, is transported by it in bulk, in hopper equipment of the tank type configuration. Pneumatic pressure equipment is utilized to both load and unload the commodity. Standard further states that it is subject to "competitive price competition from private carriers and highway carriers" when transporting this particular commodity.

1/ Per the amendment filed, applicant clarified that the entity of the carrier was that of a partnership. In further staff analysis, the Radial Highway Common Carrier Permit of the applicant reads as follows: Standard Concrete Material, Inc., General Partner, David L. Horowitz, Tom W. Horowitz and Andrew R. Horowitz, Limited Partners doing business as Standard Service Company.

2/ Fly ash, as characterized by the applicant, is a material, which accumulates on the inside of coal furnace flues.

Applicant seeks to assess the same level of rates for this commodity as was authorized Sunrise Transportation, Inc. in Decision No. 89875, dated January 16, 1979, in Application No. 58466.^{3/} Standard further avers that the demand and volume of shipments of fly ash are steadily increasing. It also noted that both the plant dispatching and the plant receiving the fly ash operate on a twenty-four hour basis. Subsequently, the plant operations provide the applicant a more flexible time schedule in which to render the necessary services.

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 and amendment were listed on the Commission's Daily Calendars of October 23, and November 29, 1979, respectively. No objection to the granting of the application, as amended, has been received.

Applicant has requested, if the application, as amended, is granted, that it may be permitted to use the services of subhaulers, the latter to be paid no less than the rates proposed in the application. The Commission staff's investigation has disclosed that applicant Standard Service Company, a California limited partnership, and Standard Concrete Material, Inc., a California corporation, have common control and management. The Radial Highway Common Contract Carrier Permit of Standard Concrete Material, Inc., doing business as Standard Service Company, includes the alter-ego restriction as follows:

^{3/} Sunrise Transportation, Inc. per Decision No. 89875, was authorized to perform transportation for Kerr-McGee Chemical Corp. from Trona to various points in California, hauling, among other commodities, fly ash.

"Whenever permittee engages other carriers for the transportation of property of Standard Concrete Material, Inc., General Partner, David L. Horowitz, Tom W. Horowitz and Andrew R. Horowitz, Limited Partners doing business as Standard Service Company, subsidiaries or affiliates thereof or customers or suppliers of said partnership, subsidiaries or affiliates thereof, permittee shall not pay such carriers less than 100% of the applicable minimum rates and charges established by the Commission for the transportation actually performed by such other carriers."

The Commission's order will take this operating restriction into account.

In the circumstances, the Commission finds that applicant's proposal, as amended, is reasonable. A public hearing is not necessary. The Commission concludes that the application, as amended, 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.

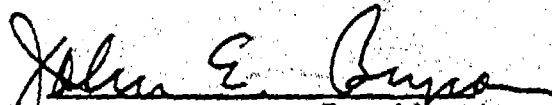
IT IS ORDERED that:

1. Standard Concrete Material, Inc., General Partner, David L. Horowitz, Tom W. Horowitz and Andrew R. Horowitz, Limited Partners doing business as Standard Service Company, 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 in no way abridge the carrier engagement restriction contained in applicant's permit.

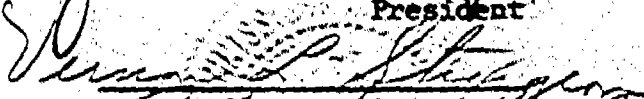
3. The authority granted herein shall expire one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

The effective date of this order is the date hereof.

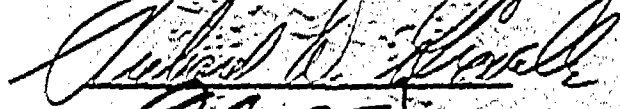
Dated JAN 8 - 1997, at San Francisco, California.




President



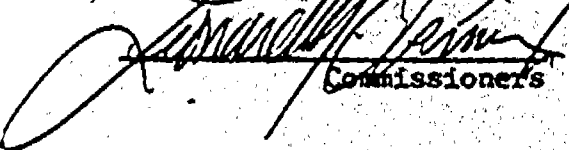
Commissioner



Commissioner



Commissioner



Commissioners

APPENDIX A

Carrier: Standard Concrete Material, Inc., General Partner,
David L. Horowitz, Tom W. Horowitz and Andrew R.
Horowitz, Limited Partners doing business as
Standard Service Company.

Shipper: Standard Concrete Materials, Inc.

Origin: Trona

Destination: To points within 200 constructive miles.

Minimum
Weight: 52,000 pounds per unit of carrier's equipment

Commodity: Fly Ash

<u>Constructive Miles</u>		<u>*Rates in Cents per Hundred Pounds</u>
<u>Over</u>	<u>But Not Over</u>	
0	100	40
100	125	42
125	150	53
150	175	55
175	200	67

*Subject to the following conditions:

1. Rates apply only to straight shipments of commodity named, when transported in bulk, in hopper-type equipment, loaded and unloaded by means of pneumatic pressure.
2. Except as otherwise provided herein, the rules and regulations of Minimum Rate Tariff 2 shall govern. EXCEPTION: No surcharge provisions shall apply, other than the surcharges set forth in Supplement 145 (effective July 8, 1979) and any subsequent changes or reissues thereof.
3. Whenever subhaulers are engaged, they shall be paid not less than 100 percent of the applicable rates named in Minimum Rate Tariff 2.

(END OF APPENDIX A)