C. 9819, Pet. 42 - T/DC-RI

Decision No. 91885 JUN 3 1980



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation for the purpose of considering and determining minimum
rates for transportation of rock,
sand, gravel and related item in
bulk, in dump truck equipment in
Southern California as provided
in Minimum Rate Tariff 17-A and
Southern California Production
Area and Delivery zone Directory
1, and the revisions or reissues
thereof.

Case No. 9819
Petition for Modification
No. 42
(Filed January 17, 1980)

OPINION AND ORDER

Minimum Rate Tariff 17-A (MRT 17-A) names minimum rates for the transportation by dump truck carriers of certain commodities, including rocks, sand and gravel. These rates include zone rates which apply from defined production areas to designated delivery zones, which are described in Southern California Production Area and Delivery Zone Directory 1.

By this petition, El Toro Materials seeks the establishment of the system of zone rates for the transportation of rock, sand and gravel from Los Angeles County Production Area 19-JA to various Los Angeles County Delivery Zones.

^{1/} These rates would apply from Production Area 19-JA to Delivery
Zones 19018-19038 inclusive, 19047-19050 incl., 19058-19072 incl.,
19082, 19083, 19090-19158 incl., 19166-19224 incl. 19234, 19235,
19301-19327 incl., 19335-19345 incl. 19348-19351 incl., 1936119450 incl., 19455 and 19600-19604 incl.

Petitioner requests that rock, sand and gravel zone rates from Production Area 19-JA be predicated on the same bases as exist for other rock, sand and gravel zones in MRT 17-A.

Establishment of the sought zone rates would provide rates for the involved transportation which are the same in kind and character as the zone rates in MRT 17-A that apply from numerous other production areas to delivery zones in Los Angeles County. The round-trip times, one-way distances, costs, and resulting zone rates have been prepared by the Transportation Division based upon the formula and procedures which have been found reasonable in establishing existing zone rates.

Petitioner asserts that the addition of the sought delivery zones for application of rock, sand and gravel zone rates from Production Area 19-JA is a noncontroversial matter. It requests that the petition be granted ex parte. The staff supports that request.

Copies of the petition were served on known interested organizations on or about January 3, 1980. The petition was listed on the Commission's Daily Calendar of January 18, 1980. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that the establishment of zone rates from Ios Angeles County Production Area 19-JA as hereinafter provided will result in just, reasonable and nondiscriminatory minimum rates for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted to the extent provided in the following order.

IT IS ORDERED that:

1. Minimum Rate Tariff 17-A (Appendix C to Decision No. 80578, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, Eight Revised Page 4-JA and Eighth Revised Page 4-JJ attached hereto and by this reference made a part hereof.

- 2. Common carriers subject to the Public Utilities Act, to the extent that they are also subject to Decision No. 80578, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.
- 3. Tariff publications required to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and be made effective not earlier than thirty-nine days after the date hereof on not less than five days' notice to the Commission and the public. The authority for reductions shall expire unless exercised within ninety days after the effective date of this order.
- 4. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.
- 5. In all other respects, Decision No. 80578, as amended, shall remain in full force and effect.
- 6. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariff 17-A.
- 7. The Executive Director shall serve a copy of the tariff amendments on each subscriber to Minimum Rate Tariff 17-A.

C. 9819, Pet. 42 - T/RI

The effective date of this order shall be thirty days after the date hereof.

Dated ______, at San Francisco, California.

John E. Gresident

Tentrol Linguist

Simulation Commissioners

Commissioner Chaire T. Defrick. being necessarily absent. And not participate in the disposition of this-proceeding.

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SECTION 4 - JONE RATES IN CINTS PER TON

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COMMODITIES AS DESCRIBED DE STEM 60

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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

Correction

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T Addition, except we noted) Decision No.

91885

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAT FRANCISCO, CALIFORNIA,