

ORIGINAL

Decision No. 92404 NOV 4 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion for the purpose of consid-)
ering and determining minimum)
rates for transportation of)
sand, rock, gravel and related)
items in bulk, in dump truck)
equipment between points in)
California as provided in Mini-)
mum Rate Tariff 7-A and the)
revisions or reissues thereof.)

Case No. 5437
Petition for Modification
No. 313
(Filed August 25, 1980)

OPINION AND ORDER

By this petition, Apex Bulk Commodities (Apex), a California corporation, seeks authority to deviate from the provisions of Minimum Rate Tariff 7-A in connection with the transportation of sand and crushed stone granules in bulk, in dump truck equipment.^{1/} Apex proposes to transport the aforesaid commodities for the accounts of Thatcher Glass Manufacturing Company and John Mansville Products, Inc. between various named manufacturing plants in the state.

The petition is based upon special conditions and circumstances, such as: a daily volume movement of seven to nine truck-load shipments; loading and unloading facilities operating on a 24-hour basis, seven days a week; and cost reductions developed by the efficiencies of maximum equipment utilization.

^{1/} This matter was originally filed properly as an application. However, inadvertently, it was reassigned by the Docket Office of the Commission as a petition in Case No. 5437.

Revenue and expense data submitted by petitioner are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rates.

The petition was listed on the Commission's Daily Calendar of September 2, 1980. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the petition should be granted as set forth in the ensuing order and the effective date of the order should be the date hereof because there is an immediate need for this rate relief.

IT IS ORDERED that:

1. Apex Bulk Commodities, a corporation, 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.

C. 5437, Pet. 313 - T/FS*

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 NOV 4 1980, at San Francisco, California.

John E. Bryan
President
Vernon L. Stroup
Richard D. Howell
Clifford J. DeBevoise
Thomas M. Gandy
Commissioners

APPENDIX A

Apex Bulk Commodities, a California corporation, is authorized to transport the designated commodities, between points at rates named, as follows:

A

Commodity: Sand
From: Owens-Illinois Glass Company plant, one mile south of Ione
To: Thatcher Glass Manufacturing Company plant, Saugus
Rate: \$15.67 per ton, minimum weight 26 tons

B

Commodity: Crushed stone granules
From: Minnesota Mining and Manufacturing Company plant, Corona
To: Johns Manville Products, Inc. plant, Pittsburg
Rate: 81 cents per hundred weight; minimum weight 26 tons

Subject to the following conditions:

1. Petitioner 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 without any deduction for use of applicant's trailing equipment.
2. The rates for the commodities set forth in Paragraphs A and B above are subject to all increases as applicable on intra-state rail rates for the same commodities between the same named points.
3. In all other respects, the rates and rules in Minimum Rate Tariff 7-A shall apply.

(END OF APPENDIX A)