

T/DJC/WPSC*

ORIGINAL

Decision 93527 SEP 1 1981

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 cement and)
 related products statewide as)
 provided in Minimum Rate Tariff 10)
 and the revisions or reissues)
 thereof.)

Case 5440
 Petition for Modification
 117
 (Filed August 13, 1981;
 amended August 17, 1981)

O P I N I O N

By this petition, as amended, Les Calkins Trucking, Inc. (Calkins) seeks authority to depart from the minimum rates, rules, and regulations of Minimum Rate Tariff 10 by assessing a rate of 63 cents per 100 pounds for the transportation of cement from San Andreas to the Pacheco Tunnel Project near Hollister (current minimum rate is 66-3/4 cents per 100 pounds).

Calkins cites an unusually favorable backhaul experience and regularity and volume of movement as special circumstances involved with this traffic, making the lower rate compensable.

The proposal is not considered to be a major action significantly affecting energy efficiency within the meaning of Public Utilities (PU) Code Sections 3502.1 and 3502.2.

The petition and amendment were listed on the Commission's Daily Calendars of August 18 and 20, 1981 respectively. No objection to the granting of the petition, as amended, has been received. A public hearing is not necessary.

Findings of Fact

1. The needs of commerce require the departure from the minimum rates to assure the continued movement of cement to the Pacheco Tunnel Project.
2. The proposed rate is reasonable and justified by transportation conditions different from those when rates in MRT-10 were established.
3. Since construction is currently in progress, this relief should be granted immediately.
4. The following order has no reasonably foreseeable impact on the energy efficiency of highway carriers.
5. A public hearing is not necessary.

Conclusion of Law

The petition, as amended, should be granted.

O R D E R

IT IS ORDERED that:

1. Les Calkins Trucking, Inc. is authorized to publish and file in Western Motor Tariff Bureau, Inc. Agent, Local Freight

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Tariff 17, Cal. P.U.C. 21, to expire with September 1, 1982, a rate of 63 cents per 100 pounds, minimum weight 52,000 pounds, for the transportation of cement, in bulk, from San Andreas to the Pacheco Tunnel Project near Hollister.

2. Tariff publications authorized to be made as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than 5 days after the effective date of this order on not less than 5 days' notice to the Commission and to the public.


3. Les Calkins Trucking, Inc., is authorized to depart from the provisions of PU Code Section 461.5 to the extent necessary to establish and maintain the rate authorized by this order.

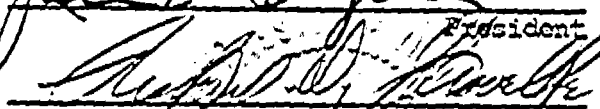
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4. The authority granted shall expire unless exercised within 60 days after the effective date of this order.


This order is effective today.


Dated SEP 1 1981, at San Francisco, California.



President








Commissioners