

Decision 03865 DEC 15 1981

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Ugalde Trucking Co., Inc., for authority, pursuant to provisions of the Public Utilities Code, to depart from the Minimum rates, rules and regulations of Minimum Rate Tariff No. 7-A.

Application 60787  
(Filed August 4, 1981;  
amended October 8, 1981)

O P I N I O N

By this application, as amended, Ugalde Trucking Co., Inc. (Ugalde) and 40 carriers who are engaged by Ugalde as underlying carriers seek authority to deviate from certain provisions of Minimum Rate Tariff 7-A (MRT 7-A) in connection with the transportation of earth from the Simi Freeway project located at 118 Freeway between Balboa Blvd. and De Soto Avenue, Granada Hills, California, to various designated dump sites for Poss Constructors, Inc., the subcontractor, who is engaged by Kasler Corporation, the general contractor. The entire project is ultimately paid for by Cal Trans, which is the state agency charged with the responsibility of building and maintaining highways. It is expected the project will extend through July 1, 1982.

Item 130(b) of MRT 7-A provides:

"Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of the freight in advance of payment of the charges thereon and may extend credit in the amount of such charges to debtors for a period not to exceed the 15th day following the last day of the calendar month in which the transportation was performed."

Ugalde seeks authority to deviate from Item 130(b) as follows:

Carrier may extend credit in the amount of transportation charges incurred by Poss Constructors, Inc. to the 15th day of each calendar month for the transportation performed from the 21st day of the second preceding month to and including the 20th day of the preceding month.

As justification Ugalde states that the request is necessitated in order to conform to the payment practices of Caltrans and the various contractors which are involved. Ugalde alleges that:

"Caltrans pays the transportation charges to Kasler, the general contractor, on approximately the 10th day of each month. These payments cover only work performed in the two months preceding the month in which payment is made. The time period covered under this period commences on the 21st day of the first month and ends on the 20th day of the second month. Since Kasler has subcontracted the work to Poss Constructors, Applicant's shipper, the ultimate payment to Applicant is received by the 15th of the month."

Ugalde and the 40 underlying carriers seek authority to deviate from that portion of Item 210 MRT 7-A which provides:

"The underlying carrier may extend credit to the overlying carrier for a period not to exceed twenty days following the last day of the calendar month in which the transportation was performed, and payment to the underlying carrier must be made within that time. Freight bills for transportation and accessorial charges shall be presented by underlying carriers to overlying carriers within three days after the last calendar day of the month in which the transportation was performed."

Authority is sought by the underlying carriers to extend credit to the 20th day of each month for transportation performed

between the 21st day of the second preceding month to the 20th day of the preceding month. This deviation would coincide with the request of Ugalde in connection with Item 130(b).

The authority will be granted to those 26 underlying carriers who were properly identified in the amendment to the application. The remaining 14 underlying carriers were not properly identified or do not have actual operating authorities.

A copy of the application and the amendment was served upon the California Trucking Association, California Dump Truck Owners Association, Associated Independent Owners Operators, Inc., and California Carriers Association, and was noticed on the Commission's Daily Calendars of August 7 and October 9, 1981, respectively. No timely protests to the granting of the application have been received.

The Commission finds that the request is reasonable and the application should be granted as set forth in the following order. The order which follows should be effective on the date of signature because there is an immediate need for the relief sought.

O R D E R

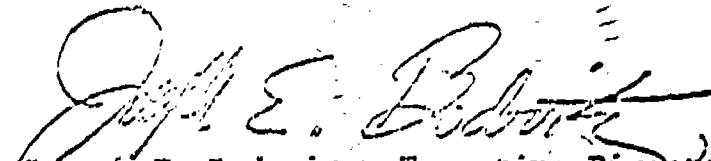
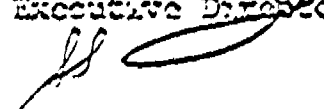
IT IS ORDERED that:

1. Ugalde Trucking Co., Inc. is authorized to depart from the provisions of MRT 7-A to the extent set forth in Appendix A attached.
2. The carriers listed in Appendix B are authorized to depart from the provisions of MRT 7-A to the extent set forth in Appendix B attached.
3. The authority granted shall expire September 30, 1982.

4. In all other respects the provisions of MRT 7-A shall apply.
5. To the extent not granted, Application 60787 is denied. This order is effective today.  
Dated DEC 15 1981, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. CREW  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bolovitz, Executive Director  


APPENDIX A

Carrier: Ugalde Trucking Co., Inc. (T-123,203.)

Project: Transportation of earth from Simi Freeway located at 118 Freeway between Balboa Boulevard and De Soto Avenue, Granada Hills, to various dump sites.

Credit: The following credit provision will apply in lieu of MRT 7-A, Item 130(b) for the above-defined project:

Carrier may extend credit in the amount of transportation charges incurred by Poss Constructors, Inc. to the 15th day of each calendar month for the transportation performed from the 21st day of the second preceding month to and including the 20th day of the preceding month.

(E.g., credit may be extended to November 15 for transportation performed from September 21 to October 20.)

(End of Appendix A)

Overlying Carrier: Ugalde Trucking Co., Inc. (T-123,203.)

Underlying Carriers:

<u>Carrier Name</u>	<u>T-No.</u>
Edward Ernest Oravec and Allen Edward Oravec, dba Oravec Trucking	T-123527
Karl Ingram, dba Karl Ingram Trucking	T-120738
Frank Rivera Hernandez	T-127459
Raul D. Soto, dba Gemini Transport	T-100414
John W. Carlson	T-74169
Jerry Lee Kernes, dba Kernes Trucking	T-125851
Richard Hubbard	T-126503
Edward Thorne, dba Thorne & Sons Trucking	T-133771
Paul J. Isak, dba Paul's Delivery Service	T-122255
Allworth C. Gregory	T-101745
Kenneth Poole	T-97993
Ignacio Ortega Ortega, dba Ortega Trucking	T-130343
Alfredo N. Bertaud, dba Bertaud Trucking	T-104863
Zenon Juarez	T-82747
Jack Barcelo, dba Barcelo & Son	T-132884
Frederick Morris, dba Frederick Morris Trucking	T-79229
Bobbie F. Martin	T-86446
Robert L. McCool	T-60861
Lester E. Bonty, dba Lester E. Bonty Trucking	T-32882
Kenneth J. Williams, dba Ken Williams Trucking	T-125178
Lucio Cuevas	T-65254
Clifford H. Sthiles and Bertha Sthiles, dba Sthiles Transportation	T-71928
Jose Garcia, dba Jose Garcia Trucking	T-133110
James Barry Brosius, dba Brosius Trucking	T-122462
Southern California Eagle, Incorporated, dba Eagle Trucking	T-100413
Roadway Construction Co., Inc.	T-97546

APPENDIX B  
Page 2

Project: Transportation of earth from Simi Freeway located at 118 Freeway between Balboa Blvd. and De Soto Avenue, Granada Hills, to various dump sites.

Credit: The following credit provision will apply in lieu of the credit provision in MRT 7-A, Item 210, in connection with transportation performed on the above-defined project.

Underlying carriers listed above may extend credit to Ugalde Trucking Co., Inc. to the 20th day of each month for transportation performed between the 21st day of the second preceding month to the 20th day of the preceding month and payment to the underlying carriers listed above must be made by Ugalde Trucking Co., Inc. within that time. Freight bills for transportation and accessorial charges shall be presented by the listed underlying carriers to Ugalde Trucking Co., Inc. no later than the 25th day of each month.

(E.g., credit may be extended to November 20 and freight bills shall be presented by October 25 for transportation performed from September 21 to October 20.)

(End of Appendix B)