

ORIGINAL

Decision No. 70431

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor Tariff Bureau, Inc. under the Shortened Procedure Tariff Docket to publish for and on behalf of certain of its participating carriers tariff provisions resulting in increases because of the publication of certain bulk cement arbitrary rate provisions.

Shortened Procedure Tariff Docket Application No. 48095 (Filed December 3, 1965) (Amended December 29, 1965)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority to publish, to expire with June 30, 1971, certain rate arbitraries, which are to be used in constructing rates for the transportation of bulk cement to or from the Bullards Bar Project.¹

Applicant states that this project is a segment of the Yuba River development program. A large dam will be constructed at the Bullards Bar Project and considerable quantities of bulk cement will be transported to this site over a period of time extending through the year 1970 and into early 1971.

Applicant alleges that the proposed rate provisions resulted from a very comprehensive study by the carriers and shippers of the problems involved in making mass deliveries of cement to the various points of delivery. The study indicated that the existing rates to the destination points were in need of adjustment both upwards and downwards and that the expiration date would allow a reasonable amount of time for completion of the project. Applicant further alleges that the proposed rate arbitraries were formally

¹ Applicant proposes to publish these rate arbitraries in Item No. 2040 of its Local Freight Tariff No. 17, Cal.P.U.C. No. 21, hereinafter referred to as Tariff No. 17.

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considered by its Standing Rate Committee under Docket No. 77 on November 10, 1965. Circularization of the proposed rate arbitraries and the results of the committee's action on Docket No. 77 was given to a large list of carriers and shippers. No shippers or carriers registered any opposition to this proposal.

Applicant asserts that the proposed publication results in both increases and reductions and that the increases involved will not increase the California intrastate gross revenue derived either jointly or individually by any of the carriers participating in Tariff No. 17 by as much as one percent.

The application, as amended, was listed on the Commission's Daily Calendar of December 6 and 30, 1965. Letters supporting applicant's proposal have been received from Calaveras Cement Company, Kaiser Cement & Gypsum Corporation and Pacific Cement & Aggregates. No objection to the granting of the application, as amended, has been received.

Sufficient justification has not been shown why an expiration date of five years is required in this instance. If and when the need no longer exists for the rate arbitraries herein involved, applicant is free to request cancellation as the circumstances may then require. It appears, and the Commission finds, that publication of the rate arbitraries as proposed in this application, as amended, is justified only if such rate arbitraries are not subjected to an expiration date. The Commission concludes that the application, as amended, should be granted to the extent indicated in the following order. A public hearing is not necessary.

IT IS ORDERED that:

1. To the extent provided in Ordering Paragraph 2 hereof, Western Motor Tariff Bureau, Inc., is hereby authorized to

publish, without an expiration date, on behalf of the carriers participating in its Western Motor Tariff Bureau, Inc., Agent, Local Freight Tariff No. 17, Cal.P.U.C. No. 21, rate arbitraries as proposed in this application, as amended.

2. Through rates resulting from combinations of the rate arbitraries authorized herein with the rates named in Western Motor Tariff Bureau, Inc., Agent, Local Freight Tariff No. 17, Cal. P.U.C. No. 21, shall be no lower than the Commission's established minimum rates for the transportation involved.

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

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

5. In all other respects, Shortened Procedure Tariff Docket Application No. 48095 is hereby denied.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 8th day of March, 1966.

Frederick B. Holcomb

President

D. E. [Signature]

George [Signature]

[Signature]

[Signature]
Commissioners