

ORIGINAL

Decision No. 72132

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of)
Western Motor Tariff Bureau, Inc.,)
Agent, for suspension of shipments)
of Bakery Goods, NOIBN on split-)
delivery basis from various Southern)
California Points to San Francisco,)
Oakland & San Jose, as shown in Item)
No. 3525-B of Pacific Southcoast)
Freight Bureau Tariff No. 294-E,)
Supplement No. 49, hereinafter)
referred to as Tariff No. 294-E.)

(I&S) Case No. 8597

ORDER OF INVESTIGATION AND SUSPENSION

By petition filed February 27, 1967, Western Motor Tariff Bureau, Inc., Agent, on behalf of various carriers participating in certain of its tariffs, seeks suspension and investigation of rates of 80 and 75 cents per 100 pounds, minimum weights 20,000 and 24,000 pounds, respectively, for the transportation of bakery goods from various points in the Los Angeles Basin Area to San Francisco, Oakland and San Jose by Southern Pacific Company and The Atchison, Topeka and Santa Fe Railway Company.¹ These rates, which are

¹ The tariffs are Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariffs Nos. 109 and 111, Cal.P.U.C. Nos. 13 and 15, respectively, hereinafter referred to as Tariffs Nos. 109 and 111.

published in Pacific Southcoast Freight Bureau Freight Tariff 294-E (Tariff 294-E) to become effective March 12, 1967, provide that six split deliveries or less may be performed when the final destination and all delivery points involved are either south of Salinas, Tracy or Stockton, or at or north thereof.

Petitioner alleges that the rates in Section 4 of Tariff 294-E historically have had as their purpose the publication of piggyback rail competitive rates based primarily on straight rail carload commodity rates as published in non-piggyback rail commodity tariffs in combination with off-spur motor carrier rates and that these rates were established in order to provide a through rate that would be competitive with rates authorized by the Commission under the alternative application provisions contained in the various Commission minimum rate orders. Petitioner avers the protested rates in no way resemble such through rates and that the protested rates could not possibly be constructed by a motor carrier under existing Commission minimum rate orders in combination with rates in existing rail commodity tariffs. Petitioner asserts the proposed rates are unjust, unreasonable and preferential.

The certificate of service shows that a copy of the petition was mailed to Pacific Southcoast Freight Bureau, Agent, on February 24, 1967. Reply to the petition was not filed and served within five days after service of the petition as required by Rule 2 of the Commission's General Order No. 113-A.

The Commission is of the opinion and finds that the effective date of the rates herein in issue should be postponed pending a hearing to determine their lawfulness.


IT IS ORDERED that:

1. The operation of Item 3525-B of Supplement 49 to Pacific Southcoast Freight Bureau, Agent, Freight Tariff 294-E, filed to become effective March 12, 1967, is hereby suspended and the use thereof deferred until July 11, 1967, unless otherwise ordered by the Commission, and that no change shall be made in said rates during the period of suspension or any extension thereof unless authorized by special permission of the Commission.

2. Copies of this order shall be forthwith served upon Southern Pacific Company, The Atchison, Topeka and Santa Fe Railway Company, Pacific Southcoast Freight Bureau, Agent, and upon petitioner herein.

The effective date of this order shall be the date hereof.


Dated at San Francisco, California, this 9th day of March, 1967.

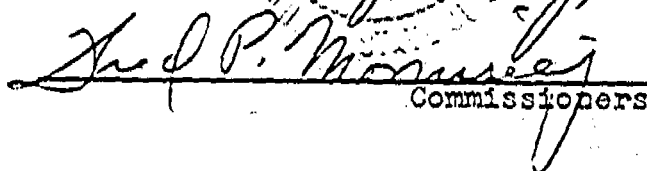


President









Commissioners