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ORIGINAL

Decision No. 75102

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application 6088 of PACIFIC SOUTHCOAST
FREIGHT BUREAU under the Shortened
Procedure Tariff Docket for authority
to cancel items of PSFB Tariff 294-E
as shown below.

(SPT) Application No. 50148
(Filed April 8, 1968; Amended
November 14, 1968)

In the Matter of the Investigation
into the rates, rules, regulations,
charges, allowances and practices of
all common carriers, highway carriers
and city carriers relating to the
transportation of any and all commodi-
ties between and within all points and
places in the State of California
(including, but not limited to,
transportation for which rates are
provided in Minimum Rate Tariff No. 2).

Case No. 5432

And Related Matters.

Cases Nos. 5330, 5436,
5438, 5440, 5603 and
7858

OPINION AND ORDER

" Pacific Southcoast Freight Bureau, on behalf of the carriers participating in the rates in its Tariff 294-E, seeks authority to cancel all commodity rates in said tariff, with the exception of those specified in the amended application. Tariff 294-E contains rates applicable to the movement of containers on flat cars (so-called piggyback service).

The application, as amended, states that the relief sought is based on the following circumstances and conditions: Carrier records show that the rates sought to be cancelled have not been used for movements by the participating carriers during

the past three years and, therefore, would rid the tariff of obsolete rates. The rates proposed to be cancelled were originally predicated upon motor carrier rates. Any current movements under such rates are by motor carriers, not by the carriers participating in Tariff 294-E. Applicant states that the proposals herein will not increase the California intrastate revenue of any participating carrier by as much as one percent.

Applicant alleges that the proposal herein was the subject of a docket procedure (PSFB Proposal 5816) which was publicized in the Traffic Bulletin of December 2, 1967, and that copies of said proposal were furnished to approximately 1,700 persons or firms. Notice of the filing of the original application and of the amended application appeared in the Commission's Daily Calendar of April 9, 1968 and November 18, 1968, respectively. There are no protests to the relief sought in the amended application.^{1/}

The Commission finds that:

1. The increases resulting from the cancellation of the commodity rates as proposed in the amended application herein are justified.

2. Common carriers maintaining, under outstanding authorizations permitting the alternative use of rail rates, rates below the specific minimum rate levels otherwise applicable should be authorized and directed to increase such rates to the level of the rail rates established pursuant to this decision, or to the level of the specific minimum rates, whichever is lower, and to cancel such rates in the event competitive rates are no longer published in rail tariffs.

^{1/} A protest made to the application as originally filed was removed upon the filing of the amended application.

We conclude that the application, as amended, should be granted. We further conclude that common carriers maintaining rates under the alternative provisions of the various minimum rate tariffs on the level of rail rates authorized to be cancelled should be directed by Commission order to effect publication in their tariffs of rates no lower in volume or effect than the rail carload rates otherwise applicable to such transportation, or to the applicable minimum rates, whichever are lower; to the extent that relief from the long- and short-haul provisions of the Constitution and the Public Utilities Code is necessary, such relief also is justified and should be granted.

IT IS ORDERED that:

1. Pacific Southcoast Freight Bureau, applicant, on behalf of carriers participating in its Tariff 294-E, is authorized to establish the increased rates as proposed in the amended application herein.
2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than thirty days after the effective date hereof on not less than thirty days' notice to the Commission and to the public.
3. The authority granted hereinabove shall expire unless exercised within ninety days after the effective date of this order.
4. Common carriers maintaining, under outstanding authorizations permitting the alternative use of rail rates, rates below the specific minimum rate levels otherwise applicable, are authorized and directed to increase such rates to the level of the rail rates established pursuant to the authority granted in paragraph 1 hereof

or to the level of the otherwise applicable specific minimum rates, whichever is lower. To the extent such common carriers have maintained such rates at differentials above previously existing rail rates, they are authorized to increase such rates by the amounts authorized in paragraph 1 hereof; provided, however, that such increased rates may not be lower than the rates established by the rail lines pursuant to the authority granted in paragraph 1 hereof, nor higher than the otherwise applicable minimum rates.

5. Tariff publications required or authorized to be made by common carriers as a result of the preceding ordering paragraph may be made effective not earlier than the thirtieth day after the publication by applicant made pursuant to the authority granted in paragraph 1 hereof, on not less than thirty days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than thirty days after the effective date of the tariff publications made by applicant pursuant to the authority granted in paragraph 1 hereof.

6. Common carriers maintaining, under outstanding authorizations permitting the alternative use of rail rates, rates based on rail rates which have been changed or cancelled and which are below the specific minimum rate levels otherwise applicable, are hereby directed to increase such rates to applicable minimum rate levels, and to abstain from publishing or maintaining in their tariff rates, charges, rules, regulations and accessorial charges lower in volume or effect than those established in rail tariffs or the applicable minimum rates, whichever are lower.

7. Tariff publications required to be made by common carriers as a result of the preceding ordering paragraph may be made effective

not earlier than the effective date of this order on not less than thirty days' notice to the Commission and the public and shall be made effective not later than ninety days after the effective date of this order.

8. In making tariff publications authorized or required by paragraphs 4 through 7, inclusive, common carriers are authorized to depart from the terms and rules of General Order No. 80-A, to the extent necessary to comply with said orders.

9. Common carriers, in establishing and maintaining the rates authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 17th day of DECEMBER, 1968.

William L. Smith, Jr.
President
Ed. P. Monahan
James P. Monahan
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.