

Decision No. 75683

**ORIGINAL**

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 Di Salvo Trucking Co. tariff provisions resulting in increases because of the proposed cancellation of certain specific rail competitive rates.	)	
	)	
	)	Shortened Procedure
	)	Tariff Docket
	)	Application No. 50971
	)	(Filed March 26, 1969)
	)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., on behalf of Di Salvo Trucking Co. (Di Salvo) seeks authority to cancel various commodity rates in one of its tariffs.<sup>1</sup>

Applicant declares that the rates involved are rail competitive commodity rates, which were considered necessary at the time that they were established in order that the carrier could compete with the railroads and other highway carriers.

Applicant avers that a review by Di Salvo of the rates in question indicates that they are dead rates since no traffic whatsoever has moved under such rates within the last year and most articles involved in such traffic have not moved in over five years.

Applicant alleges that rail rates tend to remain on a stationary basis as there has only been one general rail rate increase in the last several years.<sup>2</sup> Applicant contends that Di Salvo's costs are constantly increasing and that the carrier must safeguard itself against rates such

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<sup>1</sup> The rates are set forth in Western Motor Tariff Bureau Inc., Agent, California Common Carrier Motor Freight Local and Joint Tariff No. 11, Cal. P.U.C. No. 5, Interstate Freight Carriers Conference, Inc., Agent, Series.

<sup>2</sup> Decision No. 75135 dated December 20, 1968, in Application No. 50445.

as those herein proposed to be cancelled. Applicant states that the aforementioned rates constitute a latent threat to the carrier's rate structure.

Applicant asserts that the proposal herein would not increase the California intrastate gross revenue of Di Salvo Trucking Co. by as much as one percent.

The application was listed on the Commission's Daily Calendar of March 28, 1969. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds that increases resulting from cancellation of the rates as proposed in the application are justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., is hereby authorized to cancel commodity rates in Western Motor Tariff Bureau, Inc., Agent, California Common Carrier Motor Freight Local and Joint Tariff No. 11, Cal. P.U.C. No. 5, Interstate Freight Carriers Conference, Inc., Agent, Series, as specifically proposed in the application.

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 of this order on not less than thirty days' notice to the Commission and to the public.

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

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

Dated at San Francisco, California this 20<sup>th</sup> day of May, 1969.

William S. ...  
President

August ...

Fred P. Manssey  
William ...

...  
Commissioners