

Decision No. 76698

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 Delta Lines, Inc. and Delta Express, Inc. certain tariff provisions resulting in changes to that carrier's present rule entitled "Delays to Equipment". )	Shortened Procedure Tariff Docket Application No. 51520 (Filed December 2, 1969)
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OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, for and on behalf of Delta Lines, Inc. (Lines) and Delta Express, Inc. (Express), to cancel from a tariff rule pertaining to delays to carrier equipment, and to add to another rule concerning such delays, the participation of Lines and Express.<sup>1</sup>

According to applicant, the current tariff rule of Lines and Express provides that charges for delay time shall be assessed based on the elapsed time computed from physical commencement to physical completion of the loading or unloading service. Applicant states that carrier equipment is being unduly delayed prior to the actual commencement of loading or unloading operations without compensation for such delays when said equipment is tendered

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The rule in which Lines and Express currently participate is contained in Item No. 260 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15. The rule in which they propose to participate is set forth in Item No. 252 of the aforementioned tariff.

for loading or unloading and the shipper or consignee is unable to commence the loading or unloading operations at time of tender.

Applicant proposes generally to apply the same charges for delays occurring prior to actual commencement of loading or unloading operations as now apply for delays that occur after the commencement of such services. Applicant also proposes that these charges generally apply when the period of time between tender and actual placement of carrier equipment exceeds 30 minutes and such delays are due to the shipper's and/or consignee's inability to accept the carrier's equipment for actual placement.

Applicant asserts that increases resulting from establishment of the proposed rule would not increase the California intrastate gross revenue of Lines or Express by as much as one percent.

The application was listed on the Commission's Daily Calendar of December 3, 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 the publication of the rule 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., Agent, is hereby authorized to cancel the participation of Delta Lines, Inc. and Delta Express, Inc. from Item No. 260 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, and concurrently to add the participation of said parties to Item No. 252 of that tariff as 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 granted herein 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 27th day of January, 1970.

William Lyons Jr.  
President  
Augusta  
J. B. Bahr  
Thomas L. Stinger  
Commissioners