

ORIGINAL

Decision No. 77004

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 Sterling Transit Co., Inc. tariff provisions resulting in increases because of cancellation of certain specific commodity rates.)

Shortened Procedure Tariff Docket Application No. 51700 (Filed February 10, 1970)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of Sterling Transit Co., Inc. (Sterling), to cancel from one of its tariffs that carrier's participation in certain rail competitive rates for the transportation of paint and paint materials.¹ Upon cancellation of the rates as proposed, higher class rates would apply.

Applicant declares it has, from time to time, published for the account of Sterling numerous rail competitive rates in its Tariff No. 109. Applicant alleges that the rail competitive rates involved no longer move traffic via Sterling due to either absence of traffic or loss of traffic to competing carriers.

¹ The rates are set forth in Items Nos. 1716.3 and 1716.5 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 109, Cal.P.U.C. No. 13, (Tariff No. 109) and generally apply to transportation between Stockton, Fresno and points in the San Francisco Bay Area, on the one hand, and various points in southern California, on the other hand.

Applicant contends that rail competitive rates tend to remain stationary and that Sterling's costs are constantly increasing. Applicant avers that Sterling must safeguard itself against rates such as those herein proposed to be canceled as they constitute a latent threat to the carrier's rate structure.

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenue of Sterling by as much as one percent.

The application was listed on the Commission's Daily Calendar of February 11, 1970. No objection to the granting of the application has been received.

The Transportation Division staff has reviewed the application and recommends that it be granted by an ex parte order.

In the circumstances, it appears, and the Commission finds, that increases resulting from cancellation of the rates as specifically 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 rates published on behalf of Sterling Transit Co., Inc., 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 or 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 31st day of March, 1970.

William S. Snow, Jr.
President

[Signature]

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Vernon L. Sturgeon

Commissioners