

Decision No. 77173

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 System 99, System 99 Operator of San Diego Imperial Express, Inc., and System 99 Operator of Lom Thompson D.B.A. Thompson Truck Lines, provisions resulting in increases because of publication of a new rule in connection with exclusive use of equipment.

Shortened Procedure Tariff Docket Application No. 51748 (Filed March 4, 1970)

O P I N I O N

In this application, Western Motor Tariff Bureau, Inc., seeks authority on behalf of System 99, System 99 Operator of San Diego Imperial Express, Inc., and System 99 Operator of Lom Thompson, dba Thompson Truck Lines (hereinafter all referred to as "System 99"), to publish a new tariff rule pertaining to vehicle utilization and concurrently to cancel System 99's participation from the present tariff rules governing full utilization of carrier's equipment.^{1/}

The application states that the objective of the new rule is to provide a more equitable level of charges which follow more closely than present provisions the cost of providing exclusive

^{1/} System 99's participation would be canceled from Items Nos. 289, 296 and 395 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15 (Tariff No. 111) and the new rule published in the same tariff.

use service. The application asserts that the new rule will consolidate the provisions of three separate rules, will simplify System 99's tariffs, and will be capable of being properly interpreted.^{2/}

Applicant states that increases resulting from the proposal herein would not increase the California intrastate gross revenue of System 99 by as much as one percent.

The application was listed on the Commission's Daily Calendar of March 5, 1970. An objection to the granting of the application received from the Department of General Services, State of California, was withdrawn by said agency's letter to the Commission dated April 10, 1970. There are no other protests.

In the circumstances, it appears, and the Commission finds, that increases resulting from the cancellation of System 99 from Items Nos. 289, 296 and 395 and the publication of the proposed new vehicle utilization rule in Tariff No. 111 as proposed in the application are justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., Agent, is hereby authorized to cancel participation of System 99, System 99 Operator of San Diego Imperial Express, Inc., and System 99 Operator of Lom Thompson, dba Thompson Truck Lines, from Items Nos. 289, 296 and 395 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15, and concurrently to publish on behalf of said carriers a vehicle utilization rule as proposed in the application.

^{2/} The proposed rule is set forth in detail in Exhibit "A" attached to 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 5th
day of MAY, 1970.

William Seymour G.
President
August
W. Brown
Thomas J. Brown
Verna L. Stinger
Commissioners