

Decision No. 77841

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Shortened Procedure Tariff Docket)
application of The Atchison,)
Topeka and Santa Fe Railway Company)
for authority to cancel its partic-)
ipation in LTL class rates published)
in WMTB Tariff No. 111 and to)
participate in LCL class rates)
published in PSFB Tariff No. 1016.)

Shortened Procedure
Tariff Docket
Application No. 52024
(Filed July 8, 1970)

OPINION AND ORDER

By this application, The Atchison, Topeka and Santa Fe Railway Company seeks authority to cancel its participation in the less truckload class rates published in a highway carrier tariff and concurrently become a party to the less carload class rates published in a rail carrier tariff.¹ Applicant also proposes to cancel its participation in a special "full utilization of equipment" rule in the highway carrier tariff.

Applicant states that the rail carriers of California were authorized in 1966 to cancel their truck-competitive class rates and adopt class rates suited to rail operations provided that the rail rates would not include pickup and delivery service in those instances where the charges thereunder would be less than those resulting under the truck-competitive rates. Applicant avers that it could not agree to the elimination of pickup and delivery service at that time as the common identification of the name "Santa Fe" to both its rail and trucking operations coupled with

¹ The highway carrier and rail carrier tariffs respectively are Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, and Pacific Southcoast Freight Bureau, Agent, Freight Tariff 1016.

the habit of shippers to specify rail rather than truck billing when shipping "Santa Fe" would prove to be disruptive to its shippers. Applicant declares that it was authorized by the Commission to become a party to the aforementioned highway carrier tariff so that it could continue to provide pickup and delivery service. Applicant contends that it has now progressed sufficiently to establish separate identities with shippers between its rail carrier and highway carrier operations and that it can now offer the same service as other rail carriers within California.

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

Applicant alleges that the sought authority was processed under normal procedures of Pacific Southcoast Freight Bureau as Pro. 8529, and publicized in the Weekly Traffic Bulletin of April 25, 1970, and that no opposition to the proposal was registered by interested parties. The application was listed on the Commission's Daily Calendar of July 9, 1970. No objection to the granting of the application has been received.

Commission staff analysis discloses that applicant's proposal would enable it to apply class rates for rail services which are the same as those assessed by the other rail carriers in California. Few, if any increases, need result since highway carrier service would still be available to shippers at the present rates. The staff recommends that the application be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that increases resulting from the proposal herein are

justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. The Atchison, Topeka and Santa Fe Railway Company is hereby authorized to have its participation in the "full utilization of equipment" rule and the less truckload class rates canceled from Western Motor Tariff Bureau, Inc., Agent, Local Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15, 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 five days after the effective date of this order on not less than five 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 20th day of October, 1970.

J. P. Subramanian
Chairman

William J. ...

Termon L. Sturgeon
Commissioners

Commissioner A. W. Gator, being necessarily absent, did not participate in the disposition of this proceeding.