

Decision No.

77877

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 Sterling Transit
Company, Inc. provisions resulting in
increase because of publication of a
new rule section, dealing with charges
on unusual hours of service.

Shortened Procedure
Tariff Docket
Application No. 52101
(Filed August 5, 1970)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of Sterling Transit Company, Inc. (Sterling), to include Sterling as a participant in a rule in one of its tariffs providing charges for services performed during unusual hours.¹

Applicant proposes to establish additional charges of \$9.27 per hour per man, minimum charge \$9.27 per man, for loading and/or unloading shipments between the hours of 5:15 p.m. and 8:15 a.m., Mondays through Fridays, and \$13.88 per hour per man, minimum charge \$55.50 per man, for performing these services on Saturdays, Sundays or holidays. Applicant also proposes to apply these charges only when the services are requested by the shipper or consignee.

Applicant avers that property is generally tendered to Sterling by shippers during regular business hours but that the carrier is occasionally requested to perform the aforementioned

¹ The rule is published in Item No. 50 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15.

services at unusual hours. Applicant alleges that such requests invariably entail special arrangements with drivers, helpers and other dock workers and that Sterling incurs out-of-pocket losses in performing these services at unusual hours under overtime wage rates.

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 August 6, 1970. No objection to the granting of the application has been received.

Commission staff analysis discloses that additional labor costs are incurred by Sterling in those instances where loading and unloading services are performed during unusual working hours and on Saturdays, Sundays and holidays. The proposed charges would enable Sterling to offset the additional costs involved. 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 publication of the charges 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, on behalf of Sterling Transit Company, Inc., to publish in its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, additional charges for loading and/or unloading shipments 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 27th day of October, 1970.

Chairman

Argenter

Commissioners

Vernon L. Sturgeon

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

L. Abtama

*J. M. McKee -
Chairman*