

ORIGINAL

Decision No. 78669

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Heavy Transport, Inc., )	
under the Shortened Procedure Tariff )	
Docket, to publish tariff provisions )	
resulting in increases because of )	Shortened Procedure
proposed transfer of rates and govern- )	Tariff Docket
ing provisions to Western Motor Tariff )	Application No. 52491
Bureau, Inc., Agent, tariffs, from )	(Filed March 11, 1971)
another Tariff Bureau. )	

OPINION AND ORDER

By this application, Heavy Transport, Inc. seeks authority to cancel its participation from certain tariffs issued by Leland C. Smith, Agent (Smith)<sup>1</sup> and, concurrently with the proposed cancellation, to participate or enlarge its participation in certain tariffs issued by Western Motor Tariff Bureau, Inc., Agent (WMTB).<sup>2</sup>

Applicant states that it has operated as a certificated common carrier under rates named in various WMTB tariffs but that it recently acquired the operative right of another certificated common carrier and adopted the other carrier's rates, which are set forth in the Smith tariffs involved herein, for services performed under

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The Leland C. Smith, Agent, tariffs are: Exception Sheet No. 1, Cal.P.U.C. No. 4; Local Freight Tariff No. 10, Cal.P.U.C. No. 1 and Local Freight Tariff No. 17, Cal.P.U.C. No. 8.

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The Western Motor Tariff Bureau, Inc., Agent, tariffs are: Exception Sheet No. 1-A, Cal.P.U.C. No. 18; Local and Proportional Freight Tariff No. 123, Cal.P.U.C. No. 32, and Local Freight and Express Tariff No. 106, Cal.P.U.C. No. 11.

the acquired operative right. Applicant declares that the class rates and provisions are generally the same in both the WMTB and Smith tariffs but that the proposed application of the rates in the WMTB tariffs to its combined certificated operations would result in technical increases due to inherent differences in the accessorial service rules in the two agency tariffs.

Applicant alleges that the application of two separate agency tariffs for its two separate operating authorities is confusing to the shipping public and the proposed application of the rates in the aforementioned WMTB tariffs for its combined operating authorities would eliminate the confusion. Applicant avers that its proposal would enable it to realize substantial savings in its tariff publication costs.

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

Copies of the application were furnished to California Trucking Association, Leland C. Smith, Agent, and Western Motor Tariff Bureau, Inc., Agent. The application was listed on the Commission's Daily Calendar of March 12, 1971. No objection to the granting of the application has been received.

Commission staff analysis discloses that application of applicant's tariff rates would be simplified under the proposal inasmuch as the same rates and accessorial charges would be assessed for services performed under either of the carriers' separate operative rights. Few, if any, increases need result since service would still be available from other authorized carriers that participate in the involved Smith tariffs. The staff recommends that the application be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that increases which may result from the cancellation and publication of rates 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. Heavy Transport, Inc., is hereby authorized to have its participation in the rates published in Western Motor Tariff Bureau, Inc., Agent, Exception Sheet No. 1-A, Local and Proportional Freight Tariff No. 123 and Local Freight and Express Tariff No. 106, Cal. P.U.C. Nos. 18, 32 and 11, respectively, as specifically proposed in the application.

2. Heavy Transport, Inc., is hereby authorized to have canceled its participation in the rates published in Leland C. Smith, Agent, Pacific Motor Tariff Bureau, Inc., Exception Sheet No. 1, Local Freight Tariff No. 10 and Local Freight Tariff No. 17, Cal. P.U.C. Nos. 4, 1 and 8, respectively, as specifically proposed in the application.

3. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than thirty days after the effective date hereof on not less than thirty days' notice to the Commission and to the public.

4. The effective date of the tariff publications authorized in Ordering Paragraph 1 hereof shall be concurrent with the effective date of the tariff publications authorized in Ordering Paragraph 2 hereof.

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5. The authority herein granted shall expire unless exercised within ninety days after the effective date hereof.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 11<sup>th</sup> day of May, 1971.

*W. M. ...*  
Chairman  
*William ...*  
*...*  
*...*  
*...*  
Commissioners