

ORIGINAL

Decision No. 79334

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor Tariff Bureau, Inc. under the Shortened Procedure Tariff Docket for and on behalf of Shippers-Encinal Express, Inc. to become a participant in a rule providing for special provisions for delay time which will result in increase provisions over those presently applicable.

Shortened Procedure Tariff Docket Application No. 52709 (Filed June 22, 1971)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of Shippers-Encinal Express, Inc., (Shippers), to cancel its participation in a delay-to-equipment rule in one of its tariffs and concurrently participate in another rule concerning such delays in the same tariff.¹

According to applicant, Shippers' current tariff rule provides that charges for delay time shall be assessed based on the elapsed time computed from physical commencement to physical completion of the loading or unloading service. Applicant states that the carrier has found that it is often called upon to have equipment available prior to the actual commencement of loading or unloading operations with the result that the carrier's equipment must sit idly by until the shipper or consignee is able to commence loading or unloading.

¹ The participation of Shippers-Encinal Express, Inc., would be canceled from Item No. 180 and added to Item No. 175 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 109, Cal.P.U.C. No. 13.

Applicant proposes generally to apply the same charges for delays occurring prior to actual commencement of loading or unloading operations as now apply for delays that occur after the commencement of such services. Applicant also proposes that these charges generally apply when the period of time between tender and actual placement of carrier's equipment exceeds 30 minutes and such delays are due to the shipper's and/or consignee's inability to accept the carrier's equipment for actual placement. Applicant alleges that the proposed tariff rule is necessary in order that traffic involving the aforementioned delays will not become an undue burden on other traffic.

Applicant asserts that increases resulting from establishment of the proposed rule would not increase the California intrastate gross revenue of Shippers by as much as one percent.

The application was listed on the Commission's Daily Calendar of June 25, 1971. No objection to the granting of the application has been received.

Commission staff analysis discloses that additional costs are incurred by the carrier in instances where the aforementioned delays to its motor truck equipment occur. No specific charge is provided in the carrier's tariff to compensate it for 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 the proposal herein are justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:



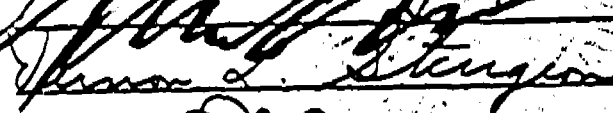

1. Western Motor Tariff Bureau, Inc., is hereby authorized, on behalf of Shippers-Encinal Express, Inc., to publish amendments to its Local, Joint and Proportional Freight and Express Tariff No. 109, Cal.P.U.C. No. 13, as specifically proposed in the application.

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 22nd day of November, 1971.


Chairman



Commissioners