

Decision No. 79337

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)	Shortened Procedure
for and on behalf of Shippers-)	Tariff Docket
Encinal Express, Inc. provisions)	Application No. 52710
resulting in increases because of)	(Filed June 23, 1971)
publication of a rule pertaining to)	
Exclusive Use of Equipment.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of Shippers-Encinal Express, Inc. (Shippers), to cancel a rule pertaining to vehicle utilization from one of its tariffs and concurrently with the proposed cancellation to participate in two other rules in the same tariff concerning exclusive use and full utilization of carrier's equipment.¹

In instances where a shipper requires equipment to meet the needs of special conditions or a single shipment requires the full utilization of one or more units of the carrier's equipment, Shippers' current rule governing this service provides that the applicable class or commodity rate for the shipment shall be assessed based on minimum weights, which vary from 20,000 pounds for a unit of equipment with a lineal length of 24 feet or less to 45,000 pounds for a unit of equipment with a lineal length over 40 feet but not over 54 feet.

In cases where the shipper requests exclusive use of the carrier's equipment, Shippers' proposed rule would provide for

¹ The current rule is published in Item No. 900 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15 (WMTB Tariff No. 111). The proposed rules are published in Items Nos. 289 and 395 of the same tariff.

application of: (1) a minimum charge based on the class 55 rate for 20,000 pounds for exclusive use of a unit of equipment with a lineal loading space of 28 feet or less and (2) a minimum charge based on the Class 35.1 rate for 36,000 pounds for exclusive use of a unit of equipment with a lineal loading space exceeding 28 feet. In instances where a single shipment requires full utilization of one or more units of the carrier's equipment, Shippers' proposed rule governing this service would provide that the applicable rate for the shipment shall be subject to a minimum charge per unit of equipment based on the applicable truckload rate and minimum weight.

Applicant alleges that, prior to the time that Shippers established its current rule for the aforementioned transportation, the carrier had participated in the other two rules involved herein.² Applicant states that Shippers has found that its present rule governing this transportation does not permit it to compete with other carriers which perform this service but that its participation in the other two rules, as proposed, would enable it to do so. Applicant contends that its proposal would result in some increases but primarily reductions.

Applicant asserts that the increases resulting from the proposal herein 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 the proposed rules for exclusive use and full utilization of carrier equipment currently apply to the majority of carriers participating in WMTB Tariff No. 111. Increases and reductions would result. The

² The current rule was established effective April 22, 1970, pursuant to Decision No. 76869.

reductions would prevail generally in instances where the carrier's larger equipment would be utilized. 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:

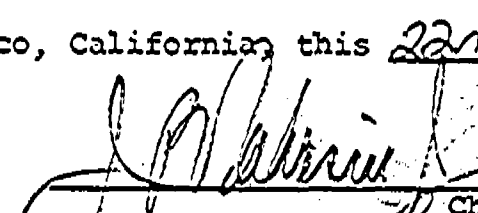
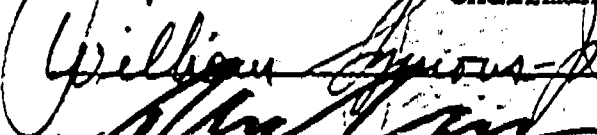


1. Western Motor Tariff Bureau, Inc., is hereby authorized, on behalf of Shippers-Encinal Express, Inc., to publish amendments to its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, as specifically proposed in the application.

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 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