

Decision No. 79348

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 M and M Transfer)	Tariff Docket
Company provisions resulting in)	Application No. 52824
increases because of proposed pub-)	(Filed August 25, 1971)
lication of a new rule dealing with)	
service performed on other than)	
regular working days.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority on behalf of M and M Transfer Company (M and M), to establish a rule pertaining to service performed on other than regular working days in one of its tariffs.¹

The application indicates that for service performed during other than regular working days, i.e., on Saturdays, Sundays and holidays, the following charges shall be assessed in addition to the otherwise applicable charges named in the tariff:

- (1) Saturdays and Sundays - \$6.62 per hour, per man, subject to a minimum charge for four (4) hours.
- (2) Holidays, viz.: Washington's Birthday, Day after Thanksgiving and December 24th - \$6.62 per hour, per man, subject to a minimum charge for eight (8) hours.
- (3) Holidays other than the holidays specified in Paragraph (2) above - \$13.24 per hour, per man, subject to a minimum charge for eight (8) hours.

¹ The tariff is Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15 (Tariff No. 111).

Applicant states that it is a carrier of general commodities, operating generally within the so-called Los Angeles Basin territory and in its operations it tries to maintain uniform and regular hours and days of service. Applicant declares, however, that from time to time it is requested to perform transportation service on Saturdays, Sundays and holidays and that such requests invariably require that special arrangements be made with drivers, helpers and other dock workers who must be compensated at overtime rates. Applicant contends that the proposed additional charges for such service will not necessarily reimburse it for out-of-pocket costs and avers it is virtually impossible to provide rates which would reimburse a carrier for the full amount of its costs for all such service.

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

The application was listed on the Commission's Daily Calendar of August 26, 1971. No objection to the granting of the application has been received.

Commission staff analysis discloses that publication of the proposed rule providing for additional charges will enable M and M to recover increased costs of labor and supervision when requested by the shipper to perform service on Saturdays, Sundays and holidays. Applicant's proposed rule is similar to the rule maintained by other certificated carriers participating in the same tariff who are presently authorized to assess additional charges for such service. Permitted carriers subject to the Commission's minimum rates may assess additional charges necessary to reimburse them for the increased cost of providing service on other than regular working days. 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 M and M Transfer Company, 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.

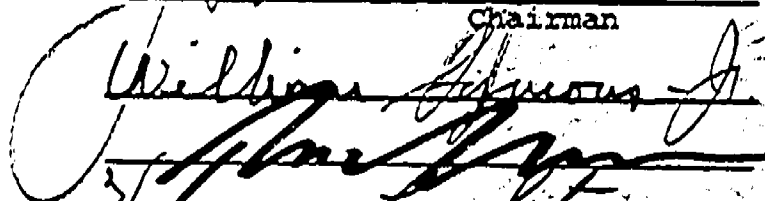
3. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

This order shall become effective twenty days after the date hereof.


Dated at San Francisco, California, this 22nd day of NOVEMBER, 1971.




Chairman



Commissioners



Commissioners



Commissioners