

ORIGINAL

Decision No. 79352

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 Progressive)
Transportation Company, and all)
other carriers as shown in Exhibit)
"A", tariff provisions resulting)
in an increase because of the pro-)
posed cancellation of certain spe-)
cific rail competitive commodity)
rates.)

Shortened Procedure
Tariff Docket
Application No. 52773
(Filed July 27, 1971)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of various carriers, to cancel their participation in various rail competitive rates in its Local, Joint and Proportional Freight and Express Tariff No. 101, Cal.P.U.C. No. 4 (Tariff No. 101).¹

Applicant proposes to cancel the participation of (1) Progressive Transportation in certain commodity rates on clay or clay products, aluminum, dolomite and magnesite; (2) M and M Transfer Company in certain rates on iron or steel pipe; and (3) the remaining carriers in certain rates on iron and iron or steel articles.² Upon cancellation of the commodity rates, as

¹ The carriers are Progressive Transportation Company, Consolidated Freightways Corporation of Delaware, Warn Bros. Inc., dba Crescent Truck Lines, Delta Lines, Inc., Delta Express, Inc., M & M Transfer Company, The Santa Fe Trail Transportation Company, Shippers-Encinal Express, Inc., Sterling Transit Company, Inc., T.I.M.E. - DC, Inc., Willig Freight Lines and Yellow Freight System, Inc.

² The rates in question are set forth in detail in Items 1000, 1020, 1040, 1248, 1377, 1427.4, 1427.5, 1550, 1560 and 1570 of Tariff No. 101.

proposed, higher class rates would apply.

Applicant states that the resulting increases are technical in nature since the carriers have not recently handled any traffic under the commodity rates proposed to be canceled. Applicant avers that the proposed application of class rates to the aforementioned transportation is not primarily intended to be a revenue producing measure but would provide a means of protection against traffic producing operating losses.

Applicant asserts that increases resulting from the proposed cancellation of rates would not increase by as much as one percent the California intrastate gross revenue derived by any of the carriers involved.

The application was listed on the Commission's Daily Calendar of July 28, 1971. No objection to the granting of the application has been received.

Commission staff analysis discloses that the rates in question are below the level of the truck rates for the involved transportation and were established to meet rail competition. The carriers have now elected not to meet this competition. 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 cancellation of the 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. Western Motor Tariff Bureau, Inc., is hereby authorized, on behalf of Progressive Transportation Company and the carriers named in Exhibit A attached to the application, to

publish amendments to its Local, Joint and Proportional Freight and Express Tariff No. 101, Cal.P.U.C. No. 4, as specifically proposed in the application.

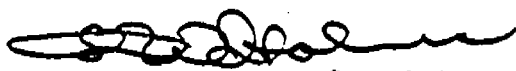
2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and to the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


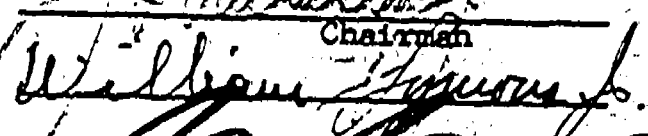
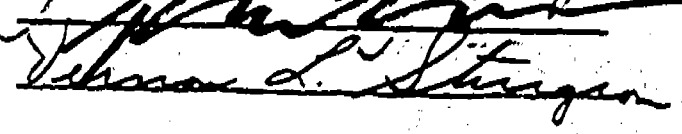
3. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

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

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

I abstain


Commissioner


Chairman


Commissioners