

Decision No. 79611

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)
 for and on behalf of Shippers-)
 Encinal Express, Inc. provisions)
 resulting in increases because of)
 publication of a new rule section)
 dealing with charges for unusual)
 hours of service.)

Shortened Procedure
 Tariff Docket
 Application No. 52980
 (Filed November 9, 1971)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of Shippers-Encinal Express, Inc. (Shippers), to include Shippers as a participant in a rule in one of its tariffs providing charges for services performed during unusual hours.¹

The rule involved provides for the assessment of additional charges of \$10.43 per hour per man, minimum charge \$10.43 per man, for loading and/or unloading shipments between the hours of 5:15 p.m. and 8:15 a.m., Mondays through Fridays, and \$15.62 per hour per man, minimum charge \$62.44, for performing these services on Saturdays, Sundays or holidays, when so requested by the shipper or consignee.

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The rule is published in Item No. 50 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15.

Applicant avers that property is generally tendered to Shippers during regular business hours but that the carrier is occasionally requested to perform the aforementioned services at unusual hours. Applicant alleges that such requests invariably entail special arrangements with the carrier's employees and that Shippers incurs out-of-pocket losses in performing these services at unusual hours under overtime wage rates.

Applicant asserts that 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 November 10, 1971. No objection to the granting of the application has been received.

Commission staff analysis discloses that additional labor costs are incurred by Shippers in those instances where, upon request, loading and unloading services are performed during unusual working hours and on Saturdays, Sundays and holidays. The proposed charges would enable Shippers to offset 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 applicant's proposal is reasonable. To the extent that the proposal results in increases, they are in the lower zone of reasonableness and are consistent with the Federal Government's economic stabilization program and 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., Agent, is hereby authorized, on behalf of Shippers-Encinal Express, Inc., to publish

in its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, additional charges for loading and/or unloading shipments 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 19th day of January, 1972.

Chairman

Commissioners

Substantive

J. B. Williams, Chairman

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.