

Decision No. 79905

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 all carriers)
participating in its Tariff No. 17,)
Cal.P.U.C. No. 21, provisions)
resulting in increases because of)
publication of a revised rule deal-)
ing with time allowance for loading)
and unloading of carrier's equipment.)

Shortened Procedure
Tariff Docket
Application No. 53022
(Filed November 23, 1971)

OPINION AND ORDER

By this application Western Motor Tariff Bureau, Inc. seeks authority on behalf of all highway common carriers participating in one of its tariffs to (1) cancel two rules pertaining to time allowance for loading and unloading of carrier's equipment in connection with the transportation of cement¹ and (2) substitute in lieu thereof new provisions dealing with this type of service.

Applicant proposes that: (1) computation of the unloading time commence when the equipment is tendered by the carrier for unloading in instances where a specific unloading time is not designated on the consignor's bill of lading; (2) the time restriction governing the application of charges for delay time in loading or unloading be eliminated; and (3) the party responsible for paying standby charges accruing during either the loading or unloading process be specifically designated.

¹The rules are set forth in Items 2250 and 2255 of Western Motor Tariff Bureau, Inc., Agent, Local Freight Tariff No. 17, Cal.P.U.C. No. 21.

Applicant alleges that the present rules on time allowance for loading and unloading carrier's equipment contain provisions which have doubt as to their interpretation and provide a method of determining standby charges which is now outdated. Applicant declares that the Special Rules Subcommittee of its General Cement Standing Rate Committee has worked with various shippers in order to develop a rule which would be capable of being interpreted properly by both carriers and shippers. Applicant avers that the proposed rule is the result of such activities.

Applicant states that the proposed rule was formally considered at a meeting of its Cement Standing Rate Committee under Docket No. 183 on October 14, 1971, and that circularization of the proposed tariff provisions and the results of the Committee's action thereon was made to the carriers and shippers involved. No opposition was registered by such parties to the proposal.

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenue derived, either individually or jointly, by any of the carriers involved by as much as one percent.

The application was listed on the Commission's Daily Calendar of November 24, 1971. Copies of the application were mailed to California Manufacturers Association and Continental Can Company, Inc. No objection to the granting of the application has been received.

Commission staff analysis discloses that the proposal would clarify the application of the rule by specifically stating what party is responsible for paying standby charges. The resulting increases would merely return revenues to the carriers, which are more closely related to the costs incurred in those instances where delays occur in loading and unloading shipments. 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 and justified. A public hearing is not necessary.

The Commission concludes that the increases granted will not contribute to inflationary expectations and are necessary to assure continued and adequate service. Therefore, they fall within the guidelines established pursuant to the Federal Government's economic stabilization program as more specifically set forth in the certificate appended.

IT IS ORDERED that:

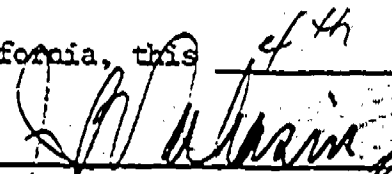
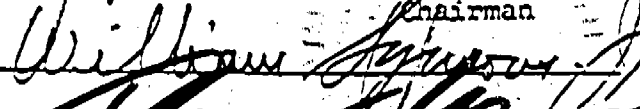


1. Western Motor Tariff Bureau, Inc., is hereby authorized, on behalf of all carriers participating in its Local Freight Tariff No. 17, Cal.P.U.C. No. 21, to publish amendments to said tariff as specifically proposed in the application.

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 ten days after the effective date of this order on not less than ten days' notice to the Commission and to the public.

3. The authority granted herein 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 4th day of April, 1972.


Chairman



Commissioners

Certificate of the Public Utilities
Commission of the State of California Re
Increases in Rates for Certain Transportation
Services Performed by For-Hire Highway Carriers
within California

Pursuant to provisions of Section 300.16 of the Economic Stabilization Act Amendments of 1971, the Public Utilities Commission of the State of California does hereby certify to the Federal Price Commission as follows:

1. The decision of the California Public Utilities Commission to which this certification is attached authorizes the carriers to assess charges for delay time that occurs before 3:00 A.M. or after 5:00 P.M. and standby time at all hours in connection with the loading or unloading of shipments of cement. Increases will result inasmuch as the carriers do not currently publish charges for such delays. These charges are new and are based on the cost of providing the service. The resulting increases are insignificant for the occasional service performed when related to the overall operations of the carriers involved.
2. The instant application meets the criteria set forth in Rule 25 of the Commission's Rules of Practice and Procedure for processing applications under the Shortened Procedure Tariff Docket by showing that public hearing is not necessary in this proceeding and that the increases would not increase the involved carriers' California intrastate gross revenue by as much as one percent.
3. The increases should not significantly affect the carriers' overall gross revenues nor cause any inflationary impact on the cost of transportation services.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

State Building
350 McAllister Street
San Francisco, California 94102

April , 1972