

Decision No. 80743

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 C-Line Express, Consolidated Freightways Corporation of Delaware and Western Truck Lines tariff provisions resulting in an increase because of the proposed cancellation of certain specific rail competitive commodity rates.)	Shortened Procedure Tariff Docket Application No. 53545 (Filed August 24, 1972)
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OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of C-Line Express (C-Line), Consolidated Freightways Corporation of Delaware (Consolidated) and Western Truck Lines (Western), to cancel the carriers' participation in various rail-competitive commodity rates.¹ Upon cancellation of the rates, as proposed, higher class rates would apply.

Applicant states that the involved carriers have reviewed their records and have determined that under the rates proposed to be canceled, there has been no traffic transported during the past year and that movements under these rates in the past have been little or infrequent. Applicant contends that, with constantly rising carrier costs, the proposed cancellation of these rates would serve to provide some measure of protection against traffic producing operating losses.

¹ These rates are set forth in Local and Proportional Freight Tariff No. 101, Cal.P.U.C. No. 4, and generally apply on Iron and Steel Articles from Rocktram, near Napa, to South San Francisco on C-Line, from Los Angeles to San Francisco and Oakland on Consolidated and within the Los Angeles Basin Area on Consolidated and Western. Concurrently with cancellation of such rail competitive commodity rates, applicant proposes to cancel the participation of C-Line and Western from Tariff No. 101 as well as its Rail Freight Station List No. 1-A, Cal.P.U.C. No. 6 and Tariff No. 117 (Railhead Pickup and Delivery Limits and Switching Limits), Cal.P.U.C. No. 27.

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

The application was listed on the Commission's Daily Calendar of August 25, 1972. 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 volume of movement under these rail competitive rates has diminished over the years and such rates have become obsolete insofar as the involved carriers are concerned. Few, if any, actual increases need result from the proposed cancellation of rates since service would still be available at the present rates from other authorized highway carriers. 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 cancellation of the rates as proposed herein are justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

Pursuant to paragraph (E)(2)(e) of Rule 23.1 of the Commission's Rules of Practice and Procedure, no findings regarding compliance with the Federal Economic Stabilization Act are required for Shortened Procedure Tariff Docket filings seeking carrier rate adjustments under Rule 25 thereof.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., is hereby authorized, on behalf of C-Line Express, Consolidated Freightways Corporation of Delaware and Western Truck Lines, to cancel: (1) the participation of said carriers from certain rates in its Local and Proportional Freight Tariff No. 101, Cal.P.U.C. No. 4; and (2) the


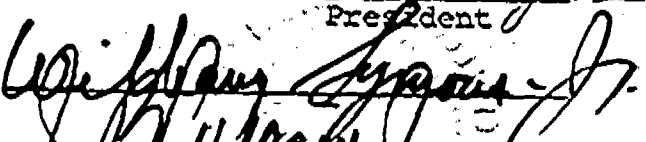


participation of C-Line Express and Western Truck Lines from said tariff and its Rail Freight Station List No. 1-A, Cal.P.U.C. No. 6, and Tariff No. 117, Cal.P.U.C. No. 27, as specifically proposed in the application.

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 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 31st day of November, 1972.


President



Commissioners