

Decision No. 80775

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 Eagle Truck)
Lines Inc., Miles Motor Transport)
System, Sterling Transit Company,)
Inc., Victorville-Barstow Truck)
Line, tariff provisions resulting)
in an increase because of the pro-)
posed cancellation of certain)
specific rail competitive commodity)
rates.)

Shortened Procedure
Tariff Docket
Application No. 53599
(Filed September 22, 1972)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of Eagle Truck Lines, Inc., and three other carriers, to cancel the carriers' participation in various rail-competitive commodity rates.¹ Upon cancellation of the rates, as proposed, higher class or commodity rates would apply.

Applicant states that the four carriers herein involved have published in Tariff No. 109 numerous rail competitive rates on a variety of commodities and that, in most cases, their participation was included merely to be competitive with other carriers who proposed the publications. Applicant asserts that these four carriers had no knowledge of any actual movement of this traffic over their lines nor any positive assurance of gaining said traffic at the time these rates were established. Applicant alleges that

¹ These rates are set forth in Local, Joint and Proportional Freight and Express Tariff No. 109, Cal.P.U.C. No. 13 (Tariff No. 109), and generally apply to various commodities from, to and between points in the San Francisco Bay Area, San Joaquin and Sacramento Valleys and Los Angeles Basin Area. The three other carriers are Miles Motor Transport System, Sterling Transit Company, Inc. and Victorville-Barstow Truck Line.

these carriers have rarely moved any traffic under the rates in question. Applicant avers that the carriers have reviewed their records concerning the use of these rates and have determined that they are no longer active.

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

The application was listed on the Commission's Daily Calendar of September 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 the competition of other carriers. 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)(c) 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:

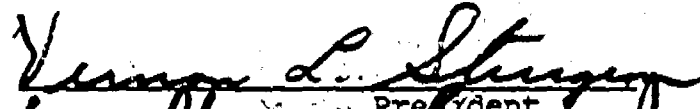
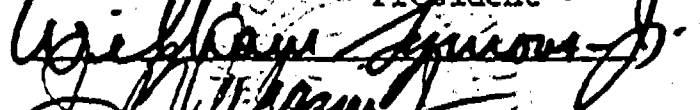
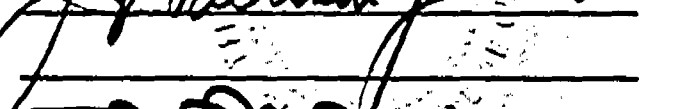
1. Western Motor Tariff Bureau, Inc., is hereby authorized, on behalf of Eagle Truck Lines, Inc., Miles Motor Transport System, Sterling Transit Company, Inc., and Victorville-Barstow Truck Lines, to cancel the participation of said carriers from certain rates in its Local, Joint and Proportional Freight and Express Tariff No. 109, Cal.P.U.C. No. 13, 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 5th day of December, 1972.


President


Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.