

Decision No. 80776

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,)
and all other carriers as shown in)
Exhibit "A", tariff provisions)
resulting in an increase because)
of the proposed cancellation of)
certain specific rail competitive)
commodity rates.)

Shortened Procedure
Tariff Docket
Application No. 53550
(Filed August 28, 1972)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of C-Line Express 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 rates would apply.

Applicant states that the involved carriers have reviewed their records and have determined that they have handled little traffic under the rates proposed to be canceled. Applicant avers that movements under these rates in the past have been infrequent and have resulted in operating losses in various instances. 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, Joint and Proportional Freight and Express Tariff No. 109, Cal.P.U.C. No. 13, 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: Pacific Intermountain Express Co., T.I.M.E-DC, Inc. and William H. Worth. Concurrently with the cancellation of such rail competitive commodity rates, applicant proposes to cancel the participation of all four of the carriers from Tariff No. 109 and the participation of William H. Worth from its Mechanical Protective Service Tariff No. 108, Cal.P.U.C. No. 12.

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 29, 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 and the other carriers named in Exhibit "A" attached to the application, to cancel: (i) 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;


(2) the participation of said carriers from said tariff; and (3) the participation of William H. Worth from its Mechanical Protective Service Tariff No. 108, Cal.P.U.C. No. 12, as specifically proposed in the application.

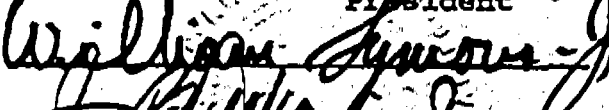
2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and to the public.

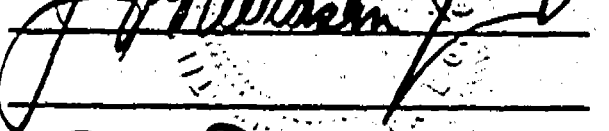
3. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.


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.