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ORIGINAL

Decision No. 82833

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)	Shortened Procedure
behalf of Bayview Trucking, Inc.))	Tariff Docket
tariff provisions resulting in)	Application No. 54646
increases because of proposed)	(Filed February 11, 1974)
amendments to specific commodity))	
rates and provisions published)	
under alternative application.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc. (WMTB), seeks authority on behalf of Bayview Trucking, Inc. (Bayview), to cancel various rail-competitive rates and amend certain rules governing the rail-competitive rates which Bayview will continue to maintain.¹

Applicant proposes to cancel the 80,000-pound rail-competitive rates on: (1) butter grease and oleomargarine between San Francisco Bay points and Los Angeles Basin Territory points and (2) lard, rendered pork fats and shortening from points in the Los Angeles-Long Beach area to points in the San Francisco-San Jose area. Applicant also proposes to amend: (1) the rule pertaining to refrigerating service so that the charges for such service will apply per unit of equipment instead of per shipment and (2) the diversion or reconsignment rule by providing for a combination of rates over the point of diversion or reconsignment in instances where the service is performed.

¹One of the two rules and the rates are set forth in Items 255 1114 and 1703 of WMTB Local, Joint and Proportional Freight and Express Tariff No. 109, Cal.P.U.C. No. 13, and the other rule is provided in Item 20 of WMTB Mechanical Protective Service Tariff No. 108, Cal.P.U.C. No. 12.

Applicant states that Bayview acquired the operative right of Western Milk Transport and, as a result thereof, adopted the rates and rules of the latter carrier including those involved herein. According to the application, the rail-competitive rates and the rules for the transportation and accessorial services in question are not compensatory for Bayview's particular highway carrier operations and the proposed tariff changes are necessary to protect its revenue requirements. Applicant avers that its proposal would have little or no effect upon the shipping public inasmuch as other common carriers are presently participating in the same rates and permitted carriers may assess such rates at will.

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

The application was listed on the Commission's Daily Calendar of February 13, 1974. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that increases resulting from cancellation of the rates and amendment of the rules, as proposed, 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., is hereby authorized on behalf of Bayview Trucking, Inc., to cancel rates and amend a rule in its Local, Joint and Proportional Freight and Express Tariff No. 109, Cal.P.U.C. No. 13, and amend a rule in 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

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five days after the effective date of this order on not less than five 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 May 28, 1974.

Dated at Los Angeles, California this 7th day of May, 1974.

President
William J. ...

[Signature]

Commissioners
[Signature]

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.