

Decision No. 83195**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 Miles Motor Transport)
 System, provisions resulting in)
 increases because of publica-)
 tions of a rule providing for)
 full utilization of Carrier's)
 Equipment, additionally author-)
 ity is being sought under)
 Section 491.)

Shortened Procedure
 Tariff Docket
 Application No. 54847
 (Filed May 3, 1974)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., (WMTB) seeks authority, on behalf of Miles Motor Transport System (Miles), to cancel Miles' participation in an exclusive-use-of-equipment rule and a full-utilization-of-equipment rule in one of its tariffs¹ and concurrently to establish a single rule for both services in the same tariff.

In instances where the shipper requests exclusive use of the carrier's equipment, Miles' current rule applying to this service provides for application of a minimum charge, based on the Class 55 rate for 20,000 pounds, for exclusive use of a unit of equipment with a lineal loading space of 28 feet or less and a minimum charge, based on the Class 35 rate for 40,000 pounds, for exclusive use of a unit of equipment with a lineal loading space exceeding 28 feet. In instances where a single shipment requires full utilization of one or more units of the carrier's equipment,

¹It is proposed to add Miles as a participant in Item No. 311 and to cancel the carrier's participation from Items Nos. 289 and 395 of WMTB Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15. These rules are set forth in detail in Exhibits "A", "B" and "C" attached to the application.

Miles' present rule governing this service provides that the applicable rate for the shipment shall be subject to a minimum charge per unit of equipment based on the applicable truckload rate and minimum weight. Applicant proposes to establish a single rule for the aforementioned services which would provide for the application of a minimum charge, based on the Class 55 rate for 20,000 pounds, for use of a unit of equipment with a lineal loading space of 28 feet or less and a minimum charge, based on the Class 35 rate for 40,000 pounds, for use of a unit of equipment with a lineal loading space exceeding 28 feet.

Applicant states that the proposed minimum charges would result in reductions in instances where smaller carrier equipment is used and increases in instances where larger equipment is required to transport high-volume, low-density freight. Applicant avers that the proposed rule would prevent needless out-of-pocket losses on the low density freight and the charges resulting under such rule would be more closely related to the cost of providing the aforementioned services.

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

The application was listed on the Commission's Daily Calendar of May 6, 1974. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that increases resulting from the proposal herein 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 Miles Motor Transport System, to publish amendments to Items Nos. 289, 311 and 395 of its Local, Joint and Proportional

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Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, 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 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 twenty days after the date hereof.

Dated at San Francisco, California, this 30th day of July, 1974.

Vernon L. Sturgeon
President
William Lyness
[Signature]
[Signature]
Commissioners

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