

LTC

Decision No. 83607

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)
Brake Delivery Service provisions)
resulting in increases because of)
publication of a rule providing)
for full utilization of carrier's)
equipment. Additionally, autho-)
rity is being sought under)
Section 491.)

Shortened Procedure
Tariff Docket
Application No. 55069
(Filed July 29, 1974)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of Brake Delivery Service, to include the carrier as a participant in an exclusive-use-of-equipment rule in one of its tariffs and concurrently cancel Brake's participation in a similar rule in the same tariff.¹

Brake's current rule 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 lineal loading space exceeding 28 feet. According to applicant, the proposed rule would permit the carrier to apply, when exclusive use of its equipment is required, a minimum charge which varies

¹Brake's participation would be cancelled from Item No. 289 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15. Brake's participation would be added to Item No. 317 in the same tariff. The rule in the latter item is set forth in detail in Appendix "B" attached to the application.

according to the lineal length of loading space utilized in the equipment.²

Applicant points out that the proposed minimum charges for exclusive use service would result in increases in instances where larger equipment is required and reductions in instances where smaller equipment is required. Applicant avers that Brake's proposed participation in the involved rule would prevent needless out-of-pocket losses which result when high-volume, low-density shipments are tendered to the carrier. Applicant states that the proposed minimum charges would be more closely related to the costs for providing the service.

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

The application was listed on the Commission's Daily Calendar of July 31, 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 Brake Delivery Service, to publish amendments to its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, as specifically proposed in the application.

²The rule provides for application of one of six minimum charges for this service on a particular shipment. These minimum charges are based on the applicable class rate for weights ranging from 4,000 pounds for equipment in which 5 lineal feet or less of loading space is utilized to 40,000 pounds for equipment in which more than 35 lineal feet of loading space is utilized. The proposed rule is set forth in detail in Exhibit "A" attached to the application.


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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.

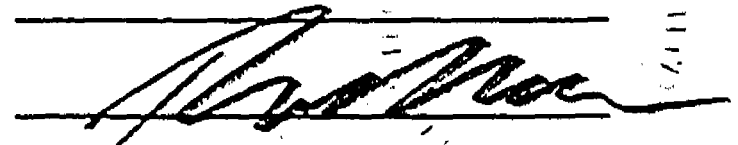

3. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 16th day of October, 1974.


President





Commissioners

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