

Decision No. 83840**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Carroll Transport)
 Co., a California corporation, to)
 publish tariff provisions)
 resulting in increases because)
 of proposed transfer of appli-)
 cant's rates to Western Motor)
 Tariff Bureau, Inc. from another)
 tariff bureau, and to seek)
 authority to depart from Sections)
 454, 460 and 491 of the Public)
 Utilities Code.)

Application No. 55194
 (Filed September 20, 1974)
 (Amended October 8, 1974)

OPINION AND ORDER

By this application, Carroll Transport Company, a corporation, seeks authority to cancel its participation from a tariff issued by C. R. Nickerson, Agent, Pacific Coast Tariff Bureau (PCTB)¹ and, concurrently with the proposed cancellation, to transfer its participation to tariffs issued by Western Motor Tariff Bureau, Inc., (WMTB).² Applicant also proposes not to publish for its account in the WMTB tariffs certain rail alternative application provisions which it maintains in the PCTB tariff but to publish other alternative application provisions in the WMTB tariffs.

¹The tariff is PCTB Local Freight Tariff No. 6, Cal.P.U.C. No. 3.

²The WMTB tariffs are: Scope of Operations and Participating Carrier Tariff No. 4, Cal. P.U.C. No. 6; Local Freight Tariff No. 16, Cal.P.U.C. No. 20; Local and Joint Freight and Express Tariff No. 18, Cal.P.U.C. No. 24; Local Freight Tariff No. 19, Cal.P.U.C. No. 26; Rail Freight Station List No. 1-A, Cal.P.U.C. No. 16; Distance Table No. 7, Cal.P.U.C. No. 30; and Tariff No. 117, Cal. P.U.C. No. 27.

Applicant alleges that it has determined that the proposed transfer in agency tariffs would be in its best interest as it would be able to take advantage of the various WMTB services and be in a competitive position with a substantial number of certificated carriers which operate under the rates named in the WMTB tariffs. Applicant asserts that the class and commodity rate provisions are generally the same in both PCTB and WMTB tariffs and the inherent differences between the two agency tariffs result principally in accessorial service rules. Applicant avers that the rail alternative application provisions, which it proposes not to publish in the WMTB tariffs, were maintained by a carrier domiciled in the San Jose area. Applicant declares that it recently acquired the aforementioned carrier's certificate of public convenience and necessity and proposes only to publish rail alternative provisions in the San Diego area inasmuch as it is domiciled in that area. Applicant contends that it would not be economically feasible for it to maintain such provisions in the San Jose area.

Copies of the application were furnished to California Trucking Association, C.R. Nickerson, Agent, Pacific Coast Tariff Bureau and Western Motor Tariff Bureau, Inc. The application and amendment thereto were listed on the Commission's Daily Calendars of September 24 and October 9, 1974. No objection to the granting of the application, as amended, has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable and justified. A public hearing is not necessary. The Commission concludes that the application, as amended, should be granted.

IT IS ORDERED that:

1. Carroll Transport Co., a corporation, is hereby authorized to have its participation canceled from a tariff issued by C. R. Nickerson, Agent, Pacific Coast Tariff Bureau and to have its participation added to certain tariffs issued by Western Motor

Tariff Bureau, Inc., Agent, 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 effective date of the Pacific Coast Tariff Bureau tariff publication authorized herein shall be concurrent with the effective date of the Western Motor Tariff Bureau, Inc., tariff publications authorized herein.

4. Western Motor Tariff Bureau, Inc., in establishing and maintaining the tariff publications authorized hereinabove, is hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the tariff amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. The authority granted by the order herein 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.

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Dated at San Francisco, California, this 17th day of
December, 1974.

James L. Stanger
President

William Synnott, Jr.

[Signature]

[Signature]

Robert E. McLeod
Commissioners