

Decision 84 03 071

MAR 2 1 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of Bestway Transportation seeking )  
authority to publish tariff )  
provisions resulting in increases. )

Application 83-10-31  
(Filed October 20, 1983)

O P I N I O N

Bestway Transportation (Bestway) by this application seeks authority to amend its adoption of the Commission's Transition Tariff 2 to establish an increase of approximately 23% on all rules, minimum charges and class rates; to establish certain additional rules for compensation for extra services performed; and establish a commodity rate tariff with rates below Transition Tariff 2 similar to tariffs published by Western Motor Tariff Bureau, Inc., Agent (WMTB) in its 20-4 tariff series.

The new rules sought are similar to those in effect for competitive carriers, who are compensated for extra services performed. The following is a listing of the sought new rules:

- Detention - LTL or AQ Shipments;
- Handling Freight at Positions Not Immediately Adjacent to Vehicle;
- Minimum Charge - Capacity Load;
- Reconsignment or Diversion;
- Redelivery; and
- Storage.

Applicant states that the establishment of a commodity rate tariff with rates below Transition Tariff 2 similar to tariffs published by WMTB in its 20-4 tariff series, will allow applicant to publish reduced rates on selected movements.

Applicant has not submitted a copy of the proposed tariff with rates below Transition Tariff 2 for the Commission's approval. The Commission cannot approve a proposed tariff not filed with it. Furthermore, it appears that this tariff request should have been filed as a rate reduction (with cost justification) or a "me-too" under the provisions of General Order 147.

Bestway was authorized by D.82-04-68 to purchase Bestway Freight Lines of Arizona. The former/present companies were/are under common ownership. The transfer was consummated on September 1, 1983. The former company had adopted Transition Tariff 2 as did applicant at the time of transfer.

Bestway prepared financial data for the year ending December 31, 1982, setting forth actual revenue and expenses as well as projected results under proposed rates. From that data, the staff has prepared a comparison of Bestway's financial position using the present costs being experienced compared with revenue earned in 1982 and with the projected revenue for 1983, including the sought increase.

Test Year Ending December 31, 1983

	<u>Present Rates</u>	<u>Proposed Rates</u>
Revenue (1982)	\$2,075,201	(1983) \$2,220,465
Expenses Revised to Reflect Current Costs	2,085,069	2,085,069
Profit (Loss)	(9,868)	135,396
Operating Ratio	100.5%	93.9%

Bestway indicates that the proposal is not considered to be a major action significantly affecting energy efficiency within the meaning of Public Utilities (PU) Code Sections 3502.1 and 3502.2.

The application was listed on the Commission's Daily Calendar of October 24, 1983. No objection to the granting of the application has been received.

Findings of Fact

1. The proposed 23% increase in applicant's amendment to its adoption of the Commission's Transition Tariff 2 on all rules, minimum charges and class rates is justified.

2. The establishment of certain additional rules for extra services performed is justified.

3. The establishment of a commodity rate tariff with rates below the transition tariff levels should have been filed either as a rate reduction or as a "me-too" under the provisions of General Order 147.

4. Authority to depart from the provisions of PU Code, Section 461.5 is justified.

5. A public hearing is not necessary.

Conclusions of Law

1. The proposed 23% increase in applicant's amendment to its adoption of the Commission's Transition Tariff 2 on all rules, minimum charges and class rates should be granted.

2. The establishment of certain additional rules in applicant's amendment to its adoption of the Commission's Transition Tariff 2 for compensation for extra services performed should be granted.

3. The establishment of a commodity rate tariff should be denied as applicant should have filed said tariff as either a rate reduction or a "me-too" under the provisions of General Order 147 with proper supporting documentation.

O R D E R

IT IS ORDERED that:

1. Bestway Transportation is authorized to amend its adoption of the Commission's Transition Tariff 2 by increasing its rules, minimum charges and class rates by 23% and to establish

certain additional rules for compensation for extra services performed as stated in the opinion.

2. The request by applicant to publish a commodity rate tariff is denied. Applicant should make an appropriate filing under the provisions of the Commission's General Order 147.

3. Tariff publications authorized to be made as a result of this order shall be filed on or after the effective date of this order and may be made effective not earlier than 5 days after the effective date of this order on not less than 5 days' notice to the Commission and to the public.

4. Bestway Transportation in establishing and maintaining the rates authorized by this order, is authorized to depart from the provisions of PU Code Section 461.5 to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are modified only to the extent necessary to comply with this order;

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and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

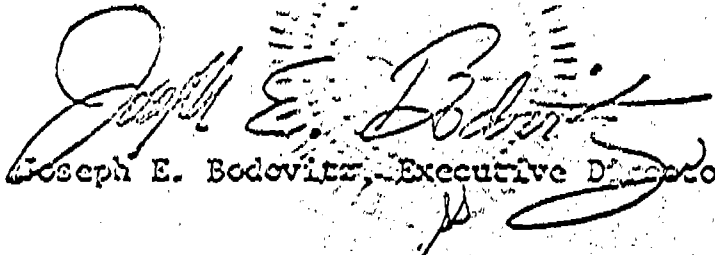
This order becomes effective 30 days from today.

Dated MAR 21 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bodovitz, Executive Director