

T/JRE/SR/WPSC

ORIGINAL

Decision 84 04 067

APR 18 1984

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Nielsen Freight Lines, Inc.,)
for authority to increase rates)
in tariffs, of which this Carrier)
is party thereto, for this)
Carrier's participation only,)
namely Western Motor Tariff Bureau)
Tariff Nos. E.S. 1-B, 170, 20-4)
NFLL and 570-A (including reissues)
thereof) containing rates and)
charges for this common carrier for)
the transportation of commodities)
and the performance of specified)
services related thereto.)

Application 83-10-38

-AND-

For authority to depart from the)
terms of Sections 454 and 491 of)
the Public Utilities Code when)
accomplishing such publication.)

FINAL OPINION

Nielsen Freight Lines (Nielsen) was granted interim authority by Decision 84-04-037 dated April 4, 1984 to increase its rates by various percentages in Western Motor Tariff Bureau, Inc. Agent (WMTB) in the following tariffs:

- WMTB Tariff E.S. 1-B, Cal. PUC No. 34;
- WMTB Tariff 170, Cal. PUC No. 51;
- WMTB Tariff 570-A, Cal. PUC No. 85; and
- Nielsen Tariff 20-4 NFLL, Cal. PUC No. 66.

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Nielsen is also a participant in the 5% general rate increase currently under consideration before the Commission in Application (A.)83-06-12, filed by WMTB for all its members. However, Nielsen states that if A.83-10-38 is granted before A.83-06-12, then applicant will reduce A.83-10-38 to 4% simultaneously with the grant of the 5% in A.83-06-12. Accordingly, in total, a 9% increase would result (5% for A.83-06-12 and 4% from A.83-10-38).

In D.84-04-037, Nielsen clearly justified a 9% increase on those rates where there was no increase authority remaining to be taken. Nielsen was granted interim increase authority up to a maximum of 9% applicable on a sliding scale on rates where unused authorized increases exist.

On further review the full 9% requested by applicant has been found to be justified since the operating ratio, including the impact of all unexercised increase authorities, would be no less than 91.5%. The interim authority granted by D.84-04-037, will be cancelled when this final order becomes effective.

The proposal is not a major action significantly affecting energy efficiency within the meaning of the Public Utilities (PU) Code Sections 3502.1 and 3502.2.

Findings of Fact

1. WMTB has filed for its tariff participants, including Nielsen, A.83-06-12 seeking a 5% general rate increase.
2. Nielsen by this application, as amended, is seeking a 9% increase in its rates in WMTB tariffs. Applicant states that should it be granted the 5% general rate increase in A.83-06-12, Nielsen would reduce the sought increase in the instant application to 4% (5% for A.83-06-12 and 4% from A.83-10-38).
3. Under the sought 9% increase, Nielsen estimates that it will realize additional revenue of about \$1,803,780.
4. The increases resulting from this proposal in lieu of the varying amounts granted by D.84-04-037, are justified.
5. Authority to depart from the provisions of PU Code Section 461.5 is justified.
6. The following order has no reasonably foreseeable impact upon the energy efficiency of highway common carriers.
7. A public hearing is not necessary.
8. The effective date of this order should be today since there is no reason to delay the increase.

Conclusion of Law

The application, as amended, should be granted.

FINAL ORDER

IT IS ORDERED that:

1. Nielsen Freight Lines is authorized to increase its rates by 9% in lieu of the varying amounts granted by D.84-04-037 in the following tariffs:

WMTB Tariff E.S. 1-B, Cal. PUC No. 34;
WMTB Tariff 170, Cal. PUC No. 51;
WMTB Tariff 570-A, Cal. PUC No. 85; and
Nielsen Tariff 20-4 NFLL, Cal. PUC No. 66.

2. The interim authority granted by D.84-04-037, will be cancelled when this final order becomes effective.

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. Nielsen Freight Lines, 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; 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.

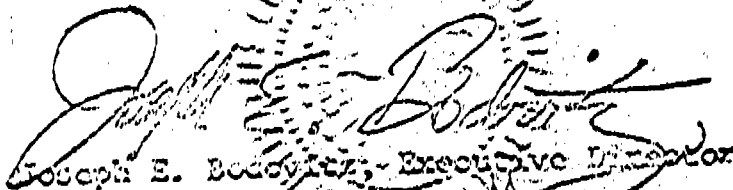
This order becomes effective today.

Dated APR 18 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

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

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


Joseph E. Bodovitz, Executive Director