

Decision 88 12 068 DEC 19 1988

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of R. S. Greitz, )  
authorized Traffic Representative of )  
Con-Way Western Express, Inc., )  
requesting authorization of departure )  
from General Order 147-A, as provided )  
in Rule 2 thereof, to effect )  
amendments to Con-Way Western Express, )  
Inc., Tariff Nos. 101 and 200 )  
containing provisions of this common )  
carrier for the transportation of )  
commodities and the performance of )  
specified services relating to Minimum )  
Charges, Collect on Delivery and Joint )  
Line Services and services related )  
thereto. )

Application 88-08-012  
(Filed August 5, 1988;  
amended September 28, 1988)

-AND-

For authority under Section 452 and to )  
depart from the terms of Sections )  
461.5 and 491 of the Public Utilities )  
Code when accomplishing such )  
publication. )

O P I N I O N

R. S. Greitz (applicant), Tariff Issuing Officer of Pacific Motor Tariff Bureau, Inc. (PMTB), on behalf of Con-Way Western Express, Inc. (Con-Way), seeks authority under Rule 2 of General Order (GO) 147-A to depart from the provisions of the GO for Con-Way to establish additional rates and rules in Con-Way's common carrier tariffs.

The proposed new rates and rules would make available to Con-Way's customers lower minimum charges, and lower charges for C.O.D. and joint-line services than currently exist in Con-Way's common carrier tariffs. The resultant lower charges would not be below the Generally Applicable Common Carrier (GACC) rate levels for the identical services; therefore, a new carrier establishing the same

rates would not be required to cost justify them. Con-Way wishes to be similarly relieved from the cost justification requirement when establishing the rates proposed in this application.

Currently, Con-Way is able to make the proposed rates available to customers under its contract carrier authority without a cost justification. However, applicant asserts that it is burdensome to enter into contractual agreements for minor adjustments such as charging GACC rates for C.O.D. shipments, joint-line shipments, and minimum charges. Publication of identical charges in Con-Way's tariffs would reduce the carrier's administrative costs by eliminating the need for separate contractual agreements, and result in cost savings by allowing increased automated rating of shipments. Furthermore, by reducing its operational expenses and simplifying its rating procedures, Con-Way would become more competitive with other major less-than-truckload carriers.

According to the applicant, the proposed rule and tariff changes would have a net impact on carrier revenue of less than 1%.

The application and amendment were listed on the Commission's Daily Transportation Calendars of August 11, 1988 and October 7, 1988, respectively. No objection to the granting of the application, as amended, has been received. The application was not made pursuant to Public Utilities (PU) Code Section 496.

#### Findings of Fact

1. Con-Way Western Express, Inc. seeks to publish lower minimum charges, C.O.D. charges, and charges for joint-line shipments than currently exist in their common carrier tariffs.
2. The new charges would be at levels above the GACC rate levels.
3. Con-Way is currently able to use rates at the same level as proposed in this application under its contract carrier authority without a cost justification.
4. Publication of the proposed rules and rates in Con-Way's tariffs would result in reduced administrative costs and simplified rating procedures for the carrier.

5. The proposed rules and tariff changes would have a net impact on Con-Way's revenue of less than 1%.
6. The decreases resulting from this proposal are justified.
7. A public hearing is not necessary.

Conclusions of Law

1. The application, as amended, should be granted.
2. This order should be made effective today, since there is an immediate need for rate relief.

O R D E R

IT IS ORDERED that:

1. Con-Way Western Express, Inc. is authorized to amend its tariff by adding new rules and charges as provided in Exhibit A of the application.
2. 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.
3. Con-Way Western Express, Inc., 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.

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4. This authority will expire if not exercised within 60 days of the effective date of this order.

5. The application, as amended, is granted as set forth above.

This order is effective today.

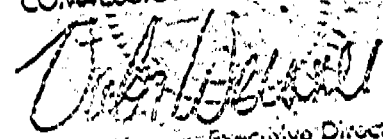
Dated DEC 19 1988, at San Francisco, California.

STANLEY W. HULETT  
President

DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

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

  
Victor Weisner, Executive Director

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