

Decision 89 05 044 MAY 26 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of R. S. Greitz, on)
 behalf of O. L. Willis Trucking, for)
 authority to adopt and establish as)
 its own, additional rates and rules)
 of Pacific Motor Tariff Bureau, Inc.,)
 Tariff Nos. 100, CAL PUC No. 10; 250,)
 CAL PUC No. 3, 550, CAL PUC No. 1,)
 containing rates of common carriers)
 for the transportation of)
 commodities and the performance of)
 specified services related thereto.)

Mailed
MAY 26 1989

Application 89-01-021
(Filed January 18, 1989)

- And -

For authority under Rule 2 of)
 General Order 147-A and Section 454)
 to depart from the terms of Sections)
 460 and 491 of the Public Utilities)
 Code when accomplishing such)
 publication.)

OPINION

By this application R. S. Greitz, Tariff Issuing Officer of Pacific Motor Tariff Bureau, Inc. (PMTB), requests authority on behalf of O. L. Willis (Willis), doing business as O. L. Willis Trucking, to adopt and establish, as his own, additional rates and rules contained in PMTB Tariffs 100, CAL PUC 10 (Exception Ratings); 250, CAL PUC 3 (Commodity Rates); and 550, CAL PUC 1, (Class Rates); and concurrently cancel Willis' participation in PMTB Tariff 551, CA PUC 7 (Limited Service Class Rates).

Willis is a sole proprietor, operating as a highway common carrier under Public Utilities (PU) Code § 1063, authorized under Cal T-139,933.

The application is based upon the following facts and circumstances:

1. Willis, by his Adoption Notice No. 1, effective December 19, 1985 adopted certain tariffs of PMTB - specifically, Tariffs 125, CAL PUC No. 2 (Rules Tariff), 150, CAL PUC 1 (Scope of Operations and Participating Carriers), and 551, CAL PUC No. 7 (Limited Class Rates).

2. Willis now finds that operations performed under his current tariffs do not serve all the needs of his shippers, and that he must participate in PMTB Tariffs 100, 250, and 550 in order to meet those needs.

3. Willis' initial participation in these tariffs will be at levels no lower than Generally Applicable Common Carrier Rates. The application does not involve a request for a general rate increase, nor for a reduction in rates.

Concurrent with the adoption of Tariff 550 (Class Rates) Willis will delete participation in Tariff 551 (Limited Class Rates) in order to eliminate rate conflicts.

A financial statement included with the application shows that for the 12-month period ended December 31, 1987 Willis earned revenues of \$510,029, and incurred expenses of \$379,203 for an operating ratio of 74.3%. Projected results for the same period at rates in the new tariffs indicate revenues of \$515,029, expenses of \$379,203 and an operating ratio of 73.2%.

The applicant asserts that the addition of Willis' participation in these new tariffs will not result in an increase exceeding 1% of the carrier's gross California revenue annually. Ex parte action is requested. The applicant states that its proposal, if granted, will not affect energy efficiency within the meaning of PU Code § 3502.1.

Notice of filing of the application appeared in the Commission's Daily Transportation Calendar. No protest to granting the application has been received. In the circumstances, Willis should be allowed to expand his operations as a highway common carrier by participating in the named PMTB tariffs. This increased

participation will allow him to transport more commodities as a common carrier than he is presently authorized to transport.

Findings of Fact

1. Willis operates as a highway common carrier under rates named in PMTB Tariffs 125, 150, and 551.

2. PMTB proposes, on behalf of Willis, to allow him to also participate in PMTB Tariffs 100, 250, and 550, and to eliminate Willis from participation in Tariff 551.

3. Participation in PMTB Tariffs 100, 250, and 550 will allow Willis to provide a more extensive service as a highway common carrier.

Conclusions of Law

1. The application should be granted.

2. Since there is an opportunity for Willis to better serve the shipping public under rates in the named tariffs, and the application is unopposed, the effective date of this order should be the date of signature.

ORDER

IT IS ORDERED that:

1. R. S. Greitz, Tariff Issuing Officer of Pacific Motor Tariff Bureau, Inc. (PMTB), is authorized on not less than 5 days' notice, to include O. L. Willis as a participating carrier in PMTB Tariffs 100, CAL PUC 10, 250, CAL PUC 3 and 550, CAL PUC 1.

2. Concurrent with the participation of O. L. Willis in PMTB Tariff 550, his participation in PMTB Tariff 551 shall be canceled.

3. Authority is granted to depart from the long- and short-haul provisions of PU Code § 460 to the extent necessary to comply with this order.

4. The application is granted.

This order is effective today.

Dated MAY 26 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. O'HANIAN
PATRICIA M. ECKERT
Commissioners

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



Victor Woisser, Executive Director