

T/KM

ORIGINAL

Decision 89 09 038 SEP 7 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of R. S. Greitz, Tariff)
Issuing Officer of Pacific Motor)
Tariff Bureau, Inc., for authority)
to add a new participant to its)
Exception Sheet 100, Cal. P.U.C. No.)
10.)

Application 89-05-032
(Filed May 16, 1989)

- And -)

For authority under Sections 452 and)
454 to publish increases in rates)
and to depart from the terms of)
Sections 460 and 491 of the Public)
Utilities Code when accomplishing)
such publication.)

OPINION

R. S. Greitz, Tariff Issuing Officer of Pacific Motor
Tariff Bureau, Inc. (PMTB), on behalf of Heitz Trucking, Inc.
(Heitz), seeks authority for Heitz to participate in PMTB Exception
Sheet 100, Cal. PUC No. 10.

Heitz finds its current tariffs are not meeting all the
needs of its shipper patrons who require temperature control
service and other class exceptions. Heitz has determined that it
is to its best interest and advantage to participate in this
tariff because PMTB Exception Sheet 100 was designed to meet these
needs.

The Commission staff requested clarification of the
rate changes since the proposal may result in decreases as well as
increases. By letter dated June 27, 1989, PMTB stated that the
carrier does not expect any of the possible rate decreases to
affect its revenue at this time and is aware that the addition of
participation in an exception sheet may result in both increases
and decreases in rates. PMTB further states that the carrier's
main objective in obtaining the use of this exception sheet is the

application of temperature control service for an occasional or somewhat rarely applied less than truckload (LTL) shipment. Heitz's primary business is that of a refrigerated truckload carrier, with some shipments moving in LTL lots. LTL shipments are now being handled under its contract carrier permit because of the lack of the provision for additional temperature control service charges on these shipments. Although it can provide the services as a contract carrier, Heitz believes it would be more cost effective and aid in the efficiency of its operations to provide these services as a common carrier by participating in the PMTB tariff.

Applicant believes this change will result in an increase of approximately 3% in Heitz's overall annual intrastate revenue.

The application was listed on the Commission's Daily Transportation Calendar of May 22, 1989. No protest to the granting of the application has been received. The application was not filed under authority granted pursuant to Section 496 of the Public Utilities Code.

Findings of Fact

1. Heitz requests authority to participate in PMTB Exception Sheet 100 to meet the needs of its shipper patrons who require temperature control service and other class exceptions.
2. The proposal will result in increasing Heitz's overall annual intrastate revenue by approximately 3%.
3. The increases resulting from this proposal are justified.

Conclusions of Law

1. The application should be granted.
2. This order should be made effective today, since the provisions requested by Heitz are necessary and vital to its operations.
3. A public hearing is not necessary.

ORDER

IT IS ORDERED that:

1. Heitz Trucking, Inc. is authorized to participate in Pacific Motor Tariff Bureau, Inc., Agent, Exception Sheet 100, Cal. P.U.C. No. 10.

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. Heitz Trucking, Inc., in establishing and maintaining the rates authorized by this order, is authorized to depart from the provisions of Public Utilities 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.

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

5. The application is granted as set forth above.
This order is effective today.

Dated SEP 7 1989, at San Francisco, California.

G. MITCHELL WELK

President

FREDERICK R. DUDA

STANLEY W. HULETT

JOHN B. O'HANIAN

I CERTIFY THAT THE EXCEPTION

WAS APPROVED BY THE ABOVE

COMMISSIONERS TODAY.

- 3 -

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director