

Decision 91-02-041 February 21, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Western Motor Tariff Bureau Inc., )  
Agent for authority to establish a )  
fuel surcharge supplement on behalf )  
of Cement Common Carriers in Western )  
Motor Tariff 17, (including reissues )  
thereof) containing rates for the )  
transportation of Cement and the )  
performance of specified services )  
related thereto )

**ORIGINAL**

Application 90-11-019  
(Filed November 13, 1990)

-and- )  
for authority to depart from the )  
provisions of Sections 460 and 461.5 )  
of the Public Utilities Code of the )  
State of California to the extent )  
necessary to permit publication of )  
the Fuel Surcharge provisions. )

OPINION

Western Motor Tariff Bureau, Inc. (WMT) compiles, issues, files, and distributes tariffs containing rates, rules, and regulations applicable to intrastate transportation on behalf of cement common carriers who are participants thereto.

By this application WMT seeks authority to increase the rates in its Local Freight Tariff 17, CA PUC 21, which contains commodity rates, including distance commodity rates and rules and regulations applying to specified services related to the intrastate transportation of Portland and similar cements.

In accordance with General Order (GO) 150-A applicant has filed Supplement 68 which provides for a 6% uniform fuel surcharge for those cement common carriers named in Appendix A to the application.

The fuel increases sought herein are required because of the sudden rise in oil prices experienced after August 1, 1990 caused by the war crisis in the Middle East. Resolution TL-18380-B

authorized cement common carriers to publish temporary fuel increases up to a maximum of 10% but not all of the subject carriers could use the authorization due to the competitive nature of cement transportation.

The fuel cost data originally required by Resolution TL-18380-B justifying the sought increases is attached to the application as Appendices B and D.

G.O. 150-A provides rules governing tariff and contract filings in connection with the transportation of cement and related commodities. This application complies with G.O. 150-A.

Since this supplement will result in three or more outstanding increase supplements for most participants the increase requested should be incorporated into the rates within a reasonable period of time.

#### Findings of Fact

1. WMT seeks to increase rates in its Local Freight Tariff 17 by 6%.
2. The application was filed pursuant to the rules set forth in G.O. 150-A.
3. At least three different increase supplements exist for cement common carriers in WMT Local Freight Tariff 17.
4. Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on December 19, 1990. No protests have been filed. A hearing is not necessary.
5. The requested increase is justified.

#### Conclusions of Law

1. The application should be granted.
2. This order should be made effective today, since there is an immediate need for rate relief.
3. Increase supplements should be incorporated into the rates within a reasonable period of time.

ORDER

IT IS ORDERED that:

1. Western Motor Tariff Bureau (WMT) is authorized to increase rates in Local Freight Tariff 17 as proposed in 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 the effective date of this order on not less than 1 day's notice to the Commission and to the public.

3. Surcharge supplements shall be incorporated into the rates of WMT Local Freight Tariff 17 within 90 days of this order.

This authority shall expire if not exercised within 60 days of this order.

This order is effective today.

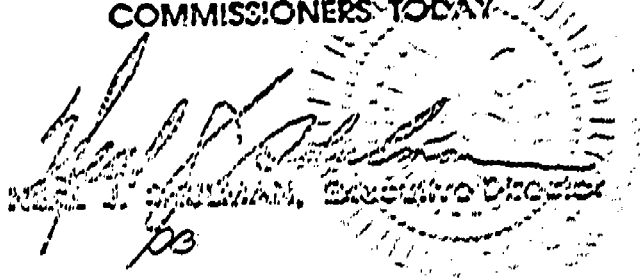
Dated February 21, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

I abstain.  
DANIEL WM. FESSLER  
Commissioner

I abstain.  
NORMAN D. SHUMWAY  
Commissioner

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

  
Executive Director