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Decision 92 12 025 DEC 7 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Con-Way Western
Express, Inc., by its authorized
Traffic Representative, R.S. Greitz
requesting authorization of
departure from General Order 147-C
as provided in Rules Nos. 7.2 and
7.3 thereof, to effect amendments
to Con-Way Western Express, Inc.,
Tariff No. 200-A and Pacific Motor
Tariff Bureau, Tariffs 125 and 150,
containing provisions of this common
carrier for the transportation of
commodities.

ORIGINAL

Application 92-10-029
(Filed October 21, 1992)

- AND -

For the authority to depart from the
terms of Sections 454, 461.5 and
491 of the Public Utilities Code
when accomplishing such publication.)

O P I N I O N

By this application, as amended, Con-Way Western Express, Inc. (Applicant) through Western Traffic Service, requests authority to increase its rates published in Tariff 200-A, issued by the Applicant, and Tariffs 125 and 250 issued by Pacific Motor Tariff Bureau by 5.2 percent. The changes made in the amendment are non-substantive and merely correct the format of the application. In support of its application, Applicant enclosed financial statements (balance sheet and income statement), and a statement of the present and proposed rates. This proposed rate change of 5.2 percent will raise the aggregate yearly rate increase to 10.5 percent over its base rate marked as of

January 12, 1992. Con-Way Western Express, Inc. had previously been granted a rate increase of 5.2 percent on July 1, 1992. Under the current regulatory program, increases up to 10 percent do not require a showing before and a finding by the Commission that the rates are just and reasonable.

Since the inception of the window and later the zone of reasonableness program, Applicant has consistently utilized the window every January 1st and July 1st of each year. Prior to implementation of bi-annual rate increases, shippers were notified and became accustomed to receiving rate increases before January 1st and July 1st. For the calendar year 1992, Applicant was not able to increase its rates until January 13th. By this application, Applicant requests that the proposed increase becomes effective no later than January 1, 1993, thereby returning the applicant to the regularly scheduled bi-annual rate increases.

Notice of the filing of the application and amendment were published in the Commission's Daily Calendar and Daily Transportation Calendar on October 21, 1992, and November 20, 1992, respectively. No protests or requests for hearing have been received.

Findings of Fact

1. Con-Way Western Express, Inc. seeks to publish a 5.2 percent increase in Tariff 200-A, issued by the applicant, and in Tariffs 125 and 250, issued by Pacific Motor Tariff Bureau.
2. The increase sought by Con-Way Western Express, Inc. is less than one-half percent over the zone of reasonableness and is justified.
3. The requested effective date of January 1, 1993, is reasonable.

4. Notice of the application and amendment appeared on the Commission's Daily Calendar and Daily Transportation Calendar on October 21, 1992, and November 20, 1992, respectively. No objections to the granting of the application have been received.

5. A public hearing is not necessary.

Conclusions of Law

The increase sought by the applicant and the requested effective date should be granted.

ORDER

IT IS ORDERED that:

1. Con-Way Western Express, Inc. is authorized to increase its rates as set forth in Exhibit A of the Application.

2. Tariff publications authorized to be made as a result of the order shall be filed not earlier than the effective date of this order and may be made effective on not less than ten 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 permitted 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 tariff pages containing the rates published under this authority shall make reference to the prior orders authorizing long and shorthaul departures and to this order.

4. The application is granted as set forth above.

This authority is issued under P. U. Code Section 308 and Resolution TS-678.

This order is effective today.

Dated DEC 7 1992, at San Francisco, California.

Commission's original delegation of authority to the Executive Director, and with the literal terms of the 1984 memo.

NEAL J. SHULMAN
Executive Director

By: *William R. Schulte*
WILLIAM R. SCHULTE, Director
Transportation Division

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

Neal J. Shulman
NEAL J. SHULMAN, Executive Director
PB