

ORIGINAL

Decision of 82 05 022 MAY - 4 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the investigation for the purpose of considering and determining minimum rates for the transportation of livestock and related items statewide as provided in Minimum Rate Tariff 3-A and the revisions or reissues thereof.

Case 5433

Petition for Modification

76

(Filed December 30, 1981)

INTERIM OPINION

Minimum Rate Tariff 3-A (MRT 3-A) contains minimum rates for the statewide transportation of livestock by highway carriers. The rates and charges in the tariff were last generally adjusted March 17, 1981 by Decision 92839 in Case 5433, Petition 75.

By this petition the California Trucking Association (CTA) seeks increases of 8% in the rates and charges in MRT 3-A to offset increases attributable to higher labor costs and to increases in social benefit taxes enacted by legislation.

The Freight Economics Branch of the Commission's Transportation Division has developed new cost information in connection with this petition based upon the direct wage offset method. A comparison of the staff's and CTA's cost figures at

selected cost points show a range of increases from 8.9% to 9.5% averaging 9.3% for the staff and a range of from 10.2% to 10.4% averaging 10.3% for CTA. The 1% difference between the staff's cost figures and those of CTA stems from the fact that CTA used the wage cost offset procedure while the staff used the direct wage offset procedure to determine costs.

The effect of CTA's proposed increase of 8% will yield

approximately \$1,032,000 of additional annual revenue. Comparison of the measured increase in costs with the proposed increase in rates shows the sought 8% increase is below the measured costs. CTA states that the carriers in requesting this lessened level of rate relief have given weight to the current condition of the livestock industry and the need to maintain transportation rates at a level to support a continuing California livestock industry.

The petition was listed on the Commission's Daily Calendar of January 5, 1982. In the absence of protest, we will grant the proposed increase in rates and charges in the form of a surcharge by an interim ex parte order. We are considering rolling the accumulated surcharges into the rates in a final order, and will keep this proceeding open for that purpose.

The proposal is not a major action significantly affecting energy efficiency within the meaning of Public Utilities (PU) Code Sections 3502.1 and 3502.2.

Findings of Fact

INTERIM ORDER

1. Since the minimum rates in MRT 3-A were last revised and generally adjusted, carriers governed by the provisions of MRT 3-A have incurred further increases in contractual labor agreements and increases in social benefit taxes.

2. CTA seeks an increase of 8% which results in an increase in annual revenue of \$1,032,000.

3. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

4. The increase recommended by CTA has been shown to be justified, and the resulting rates are and for the future will be the just, reasonable, and nondiscriminatory minimum rates for highway carriers governed by the provisions of MRT 3-A.

5. A public hearing is not necessary.

Conclusions of Law

1. Petition for Modification 76 should be granted as provided in this order and MRT 3-A should be amended accordingly.

A public hearing is not necessary to the extent necessary to

2. The effective date of this order should be the date of signature because there is an immediate need for the sought relief.

INTERIM ORDER

Final Order

IT IS ORDERED that  
1. Minimum Rate Tariff 3-A (Appendix A to Decision 55587, as amended) is further amended by incorporating the attached Supplement 25, to become effective five days after the date of this order.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision 55587, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.

3. Tariff publications required to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and made effective five days after the date of this order, on not less than five days notice to the Commission and to the public.

4. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart from the provisions of PU Code Section 461.5 to the extent necessary to

7. The Executive Director shall serve a copy of the tariff amendment on each subscriber to Minimum Rate Tariff 3-A of subject

This order is effective today. Dated MAY 4 1982 at San Francisco, California.

JOHN E. BRYSON, President  
RICHARD D. CRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW, Commissioner

The Executive Director shall serve a copy of this decision on every common carrier, or such carriers, authorized to perform transportation services subject to Minimum Rate Tariff 3-A.

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

*Joseph E. Bodovitz*  
Joseph E. Bodovitz, Executive Director

C.5433, Pet. 76 T/DV/WPSC \*

The Executive Director shall serve a copy of this order 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.

5. In all other respects, Decision 55587, as amended, shall remain in full force and effect.

6. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariff 3-A.

COMMUNICATIONS SECTION  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE  
WASHINGTON, D.C. 20535  
APR 11 1976  
[Signature]

SURCHARGE SUPPLEMENT

REGULATORY DECISION NO. 82-05 022

Supplement 25, California Public Utilities Commission, State Building, Civic Center, San Francisco, California 94102  
(Cancels Supplement 24)

(Supplement 25 Contains All Changes)

TO  
MINIMUM RATE TARIFF 3-A

NAMING OF CARRIERS  
MINIMUM RATES AND RULES

FOR THE  
TRANSPORTATION OF LIVESTOCK OVER THE  
PUBLIC HIGHWAYS WITHIN THE  
STATE OF CALIFORNIA

BY  
HIGHWAY CONTRACT CARRIERS  
AND

LIVESTOCK CARRIERS

Decision No.

82-05 022

EFFECTIVE

5/9/82

Issued by the  
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
State Building, Civic Center  
San Francisco, California 94102

◇ APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the rates and rules in this tariff, and increase the amount so computed as follows: (See Exception)

1. By thirty-four (34) percent on charges computed at rates set forth in Items 270, 272, 280 and 282 for shipments less than 75 constructive miles.
2. By thirty-four (34) percent on charges computed at rates (including minimum charge) set forth in Item 300.
3. By forty and one-quarter (40-1/4) percent on charges computed at rate set forth in Items 270, 272, 280 and 282 for shipments of 75 constructive miles and over.
4. By twenty-nine and one-half (29-1/2) percent on charges set forth in:
  - Item 110 - Accessorial Charges
  - Item 170 - Split Pickup
  - Item 180 - Split Delivery
  - Item 185 - Livestock Service Shipment
  - Item 200 - Stopping in Transit, and
  - Item 210 (Note 3 only) - Loading and Unloading

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION:

The surcharge herein shall not apply to:

Items 210, 220 and 221 - (Railhead-to-Railhead Charges Only).

THE END

◇ Increase, Decision No.

82-05 02252

INCREASE

FOR RAILROADS