

Decision 83 11 028 NOV 2 - 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of filing by Bob & Jack Trucking Co., Inc., a Highway Common Carrier (T-67791) to publish rates lower than presently published under provisions of Multiple Service Shipment, Highway Carrier's Association Local Freight Tariff No. 2.

Shortened Procedure
Tariff Docket 1/
Application 83-02-52
(Filed February 17, 1983;
Amended March 18 and
May 27, 1983)

Order of Dismissal

Bob & Jack Trucking Co., Inc. by this application requests authority to reduce its surcharge to 15% in Highway Carrier's Association (HCA) Local Freight Tariff No. 2, Cal. P.U.C. No. 2. The present surcharges are 26% and 29% in this tariff. Applicant seeks also to amend its multiple service shipment provisions in the same tariff. The sought reduction in rates and charges would result in rates below Transition Tariff 2.

Applicant cites competitive rates in tariff provisions applicable to Spurlock Bros., Inc., doing business as P.R.I.D.E. Transportation, as its justification to reduce its rates and

1/ Application was incorrectly filed as a SPT; it should have been docketed as a rate reduction request under the provisions of General Order 147.

charges. However, the Commission records show the certificate of Spurlock Bros., Inc., doing business as P.R.I.D.E. Transportation, was revoked by the Commission on July 27, 1982 and the tariff provisions cited were subsequently cancelled. Therefore, the justification for the requested reduction in rates is without proper foundation.

Also, applicant's proposed amendment to its Multiple Service Shipment rule would contain provisions much broader in scope than those set forth in Item 188, Multiple Service Shipment, Transition Tariff 2.

Furthermore, applicant has not responded to Commission staff's repeated requests for specific cost and operational data to justify its proposals. Applicant should have made a filing under the provisions of the Commission's General Order 147 which sets forth rules governing the construction and justification of rate reductions.

Findings of Fact

1. The sought reduction in rates and charges would result in rates and charges below Transition Tariff 2.
2. This matter should have been filed as a rate reduction request under the provisions of General Order 147.

3. Applicant's request to meet the competitive rates in tariff provisions applicable to Spurlock Bros., Inc. doing business as P.R.I.D.E. Transportation is without proper foundation as the certificate of this carrier was revoked by the Commission on July 27, 1982.

Conclusion of Law

The application should be dismissed without prejudice to applicant's refiling under General Order 147 with proper supporting documentation.

IT IS ORDERED that Application 83-02-52 filed by applicant on February 17, 1983 and amended on March 18, and May 27, 1983 is dismissed without prejudice to allow applicant to make an appropriate filing under the provisions of the Commission's General Order 147.

This order becomes effective 30 days from today.

Dated NOV 2 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

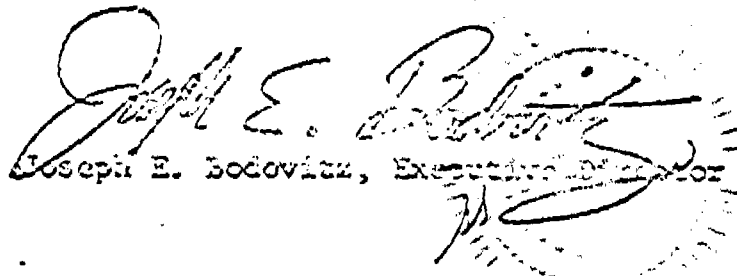
PRISCILLA C. GREW

WILLIAM T. BAGLEY

Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

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


Joseph E. Bodovitz, Executive Director