

ORIGINAL

Decision No. 86829

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Southcoast)
Freight Bureau for Authority to)
Make Effective on California)
Intrastate Traffic General)
Increases in Local and Joint)
Freight Rates and Charges as)
Published in Tariff of Increased)
Rates and Charges, X-330.)

Application No. 56857
(Filed November 8, 1976
Amended December 9, 1976)

And Related Matters.)

-) Case No. 5330
-) Case No. 5432
-) Case No. 5433
-) Case No. 5436
-) Case No. 5437
-) Case No. 5438
-) Case No. 5439
-) Case No. 5440
-) Case No. 5441
-) Case No. 5603
-) Case No. 5604
-) Case No. 7857
-) Case No. 7858
-) Case No. 8808
-) Case No. 9819
-) Case No. 9820

OPINION AND ORDER

Pacific Southcoast Freight Bureau, on behalf of California common carriers¹ participating in its tariffs, requests authority to make effective on California intrastate traffic the same freight rate increases which became effective September 27, 1976 on interstate traffic in Tariff of Increased Rates and Charges X-330.²

¹The common carriers are listed in Exhibit A attached to the application.

²The increases which are contained in Tariff of Increased Rates and Charges X-330 and Supplements 1, 5, 7, 8, 9, 10, 11 and 12 to said tariff, are set forth in detail in Exhibits S through S-8 attached to the application.

In support of the relief sought applicant common carriers submitted exhibits including a summary of earnings on a depreciated rate base for the period upon which they base their justification for the increases. Said exhibits also show the amount of additional gross revenues estimated to result from the proposed increases based on the amount of involved traffic handled during the preceding calendar year. The percentage by which such estimated revenues exceed the gross revenues based on the amount of involved traffic handled during the calendar year is approximately 5 percent. Though it is anticipated that approximately \$5,670,000 in yearly gross revenue would accrue to the 35 common carriers involved, Exhibits T through T-8 and U and U-1, attached to the application, indicate that the carriers would still experience losses in excess of \$3,650,000 on California intrastate traffic for the ensuing year under the proposed rates.

The application and amendment were listed on the Commission's Daily Calendars of November 9, 1976 and December 13, 1976, respectively. No objection to the granting of the application, as amended, has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application, as amended, should be granted.

IT IS ORDERED that:

1. Pacific Southcoast Freight Bureau, on behalf of the common carriers listed in the application, is authorized to establish by appropriate tariff supplements the same increases in California intrastate rates and charges under the same conditions as authorized by orders of the Interstate Commerce Commission as set forth in Tariff of Increased Rates and Charges X-330.
2. Tariff publications authorized to be made as a result of

the foregoing authority shall be filed not earlier than the effective date of the order and may be made effective not earlier than five days after the effective date hereof on not less than five days' notice to the Commission and to the public, and said authority shall expire unless exercised within sixty days after the effective date of this order. To the extent that departure from terms and rules of General Order 125 is required to accomplish such publications, authority for such departure is hereby granted.

3. The authority set forth herein is granted subject to the express condition that applicant and the carriers on whose behalf it is participating herein will never urge before the Commission in any proceeding under Section 734 of the Public Utilities Code, or in any other proceeding, that the opinion and order herein constitute a finding of fact of the reasonableness of any particular rate or charge. The filing of rates pursuant to the authority herein granted constitutes an acceptance by applicant and said carriers as a consent to the condition.

4. Common carriers maintaining, under outstanding authorizations permitting the alternative use of rail rates, rates below the specific minimum rate levels otherwise applicable are authorized and directed to increase such rates to the level of the rail rates established pursuant to the authority granted in paragraph 1 hereof or to the level of the otherwise applicable, specific minimum rates, whichever is lower. To the extent such common carriers have maintained such rates at differentials above previously existing rail rates, they are authorized to increase such rates by the authority granted in paragraph 1 hereof, provided, however, that such increased rates may not be lower than the rates established by the rail lines pursuant to the authority granted in paragraph 1 hereof, nor higher than the otherwise applicable minimum rates.

5. Common carriers maintaining, under outstanding authorizations permitting the alternative use of rail rates, rates based on

rail rates which have been changed or cancelled and which are below the specific minimum rate levels otherwise applicable are hereby directed to increase such rates to applicable minimum rate levels and to abstain from publishing or maintaining in their tariffs rates, charges, rules and accessorial charges lower in volume or effect than those established in rail tariffs or the applicable minimum rates, whichever are lower.

6. Tariff publications required or authorized to be made by common carriers as a result of paragraph 4 hereof may be made effective not earlier than the fifth day after the publication by applicant made pursuant to the authority granted in paragraph 1 hereof, on not less than five days' notice to the Commission and to the public; and such tariff publications as are required shall be made effective not later than thirty days after the effective date of the tariff publications made by applicant pursuant to the authority granted in said paragraph 1.

7. Tariff publications required to be made by common carriers, as a result of paragraph 5 hereof, shall be filed not earlier than the effective date of this order on not less than five days' notice to the Commission and to the public and shall be made effective not later than thirty days after the effective date of this order.

8. In making tariff publications authorized or required by paragraphs 4 through 7, inclusive, common carriers are authorized to depart from the terms and rules of General Order 80-Series to the extent necessary to comply with said ordering paragraphs.

9. Applicant and common carriers, in establishing and maintaining the rates authorized hereinabove, are authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary

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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.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 5th day of January, 1977.

Robert M. Mos
Commissioner

Robert Bateman

President
William A. ...

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Commissioners