

Decision No. 87700 AUG 9 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor )  
 Tariff Bureau, Inc. under the )  
 Shortened Procedure Tariff Docket )  
 for and on behalf of A & B Trans- ) Shortened Procedure Tariff Docket  
 portation Services, Inc. to be- ) Application No. 57127  
 come a party in a rule providing ) (Filed March 4, 1977)  
 for exclusive use of carrier's )  
 equipment which results in in- )  
 creases over provisions presently )  
 applicable. )

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., (WMTB), seeks authority, on behalf of A & B Transportation Services, Inc., (A & B), to publish an exclusive-use-of-equipment rule in one of its tariffs and concurrently cancel A & B's participation in a similar rule in the same tariff.<sup>1</sup>

A & B's current rule provides for application of a minimum charge based on the Class 55 rate for 20,000 pounds for exclusive use of a unit of equipment with a lineal loading space of 28 feet or less and a minimum charge based on the Class 35 rate for 40,000 pounds for exclusive use of a unit of equipment with a lineal loading space exceeding 28 feet. According to applicant, the proposed rule would permit the carrier to apply, when exclusive use of its equipment is required or demanded by the shipper or when the nature of the commodity is such that the equipment cannot be loaded to its legal capacity, a lower minimum charge based on the Class 35 rate for 20,000 pounds for exclusive use of a unit of equipment with a lineal loading space of 28 feet or less. The proposed rule would also allow the carrier to continue to maintain its current minimum charge for exclusive use of a unit of equipment with a lineal loading space exceeding 28 feet.<sup>2</sup>

<sup>1</sup> A & B's participation would be cancelled from Item No. 289 of WMTB, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15.

<sup>2</sup> Applicant's proposal is set forth in detail in the application.

Applicant states its proposal will result in reductions in charges when shippers require or request exclusive use of smaller equipment (lineal loading space of 28 feet or less) and will follow more closely the cost of providing such "exclusive use" service. Applicant avers that the proposed rule will afford the carrier some means of protection in those instances where so-called "fluff freight" is tendered which fully utilizes the loading space of carrier's equipment but does not load the equipment to its legal weight carrying capacity.

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenue of A & B by as much as one percent.

The application was listed on the Commission's Daily Calendar of March 8, 1977. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that increases resulting from amendments to the exclusive-use-of-equipment rules as proposed in the application are justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., is hereby authorized, on behalf of A & B Transportation Services, Inc., to publish amendments to its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, as specifically proposed in the application.
2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective on not less than five days' notice to the Commission and to the public.
3. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

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This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of AUGUST, 1977.

Robert B. Bailey  
President  
William J. Lyons Jr.  
Clare T. D. Edwards

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.