

Decision No. 880-11 OC: 25 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor )  
Tariff Bureau, Inc. under the )  
Shortened Procedure Tariff Docket )  
to publish for and on behalf of )  
all carriers party to its Cement )  
Tariff 17, tariff provisions )  
resulting in increases because )  
of changes in assessing charges )  
for loading delays. )

**ORIGINAL**  
Shortened Procedure  
Tariff Docket  
Application No. 57597  
(Filed September 29, 1977)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., Agent (WMTB), requests authority on behalf of all carriers which are party to its cement tariff No. 17 to change loading time provisions.<sup>1</sup>

According to applicant the proposed provisions would establish charges on cement higher than those presently in effect and higher than charges applicable in the Commission's Minimum Rate Tariff 10.

Applicant states that Item 2250 presently allows 30 minutes for loading bulk cement and 60 minutes for loading sacked cement and excess time is charged for as provided in Item 2000. Applicant avers that for bulk cement, and with certain minor exceptions, loading time commences when carrier's equipment is placed under the loading spout; for sacked cement when carrier's equipment is placed into actual position to load.

Applicant asserts that the proposed changes would have loading time start, with certain exceptions, when carrier's equipment arrives at shipper's premises.

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<sup>1</sup>The proposed provisions would be published in Item 2250 of WMTB Local Freight Tariff No. 17, Cal. P.U.C. No. 21 and appear as Exhibits A-1 and A-2 of the application.

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Applicant contends that, in the recent past, carriers have experienced an ever increasing problem of delay time after the equipment reaches the shipper's plant and before being placed in a position to load. Applicant declares that delays of several hours are common; and the problem is most acute in the central and northern portions of the state--which is the only territory where tariff changes are proposed.

Applicant points out that the problem arises from the current shortage of available cement and that carriers have to wait in line behind other carriers who are waiting for the product to become available. Applicant alleges that a delay of a few hours each day to each unit of carrier's equipment causes a rather substantial loss of revenue to the carrier involved.

Applicant recites that no change has been proposed when the shipper specifies a loading time. Applicant points out that it is proposed that free time start when carrier's equipment is presented for loading at shipper's premises, rather than when it is placed into position to load.

Additionally, an expiration date has been proposed in connection with the new provisions since it is anticipated that the present cement shortage is temporary, and will have cleared up by the middle of 1978. Moreover, applicant further states that if this is not the case and if shippers by that time have not gone to a program of scheduling loadings at specified times, authority will be sought to extend or cancel the expiration date.

Applicant asserts that the increases resulting from the proposal herein would not increase the California intrastate gross revenues of any of the involved carriers by as much as one percent.

The application was listed on the Commission's Daily Calendar of October 3, 1977. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that increases resulting from applicant's proposal 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., Agent, on behalf of all carriers party to its tariff No. 17, is hereby authorized to amend its Local Freight Tariff No. 17, Cal. P.U.C. No. 21, as specifically proposed in the application.

2. Tariff publications authorized to be made as result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than five days after the effective date of this order 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.

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

Dated at San Francisco, California, this 25<sup>th</sup> day of OCTOBER, 1977.

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President  
William S. Quinn Jr.  
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Richard D. Howell  
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Clair T. Dedrick  
Commissioners

Commissioner Robert Batimovich, being necessarily absent, did not participate in the disposition of this proceeding.