

ORIGINAL

Decision No. 88495 FEB 7 1978

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 in its Cement Tariff)
 No. 17, Cal. P.U.C. No. 21,)
 tariff provisions resulting in)
 increases in rates for the)
 account of Les Calkins Trucking,)
 Inc.)

Shortened Procedure
 Tariff Docket
 Application No. 57784
 (Filed January 3, 1978)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., (WMTB), seeks authority on behalf of Les Calkins Trucking Inc., (CLSI) to publish increases in Item 3000 (Distance Commodity Rates) of WMTB Tariff No. 17.

Applicant states that Item 3000 of WMTB Tariff No. 17 provides rate scales in northern and southern territories. The rates in the northern territory are higher than those established in the southern territory. Shipments of cement originating from the northern territory and destined to either the northern or southern territory will be assessed rates from the northern territory scale and shipments of cement originating from the southern territory and destined to either the northern or southern territory will be assessed rates from the southern territory scale.

Applicant declares that usually, cement destined to the northern territory will originate in the northern territory and cement destined to the southern territory will originate in the southern territory. Because of the recent cement shortage and marketing procedures CLSI has been called upon to transport cement from mills in the south to destinations in the north. When this occurs applicant has had to assess the lower southern territory rates which do not recompense the higher wage costs it incurs as a carrier located in the northern territory wage scale.

According to the applicant, this matter was considered by the members of the Cement Carriers Standing Rate Committee and a majority of the carriers present indicated they were not having such a problem as experienced by CLSI. Applicant, therefore, wishes to have the proposed provisions published for CLSI's individual account.

Applicant avers that increases resulting from the proposal herein would not increase CLSI's California intrastate gross revenue by as much as one percent. Applicant anticipates that the yearly revenue increase of CLSI under its proposal would not exceed \$693.64.

Applicant alleges that the proposal would not be opposed by any shipper, because shippers would have the option of using other carriers, at the lower rates, on future shipments.

The application was listed on the Commission's Daily Calendar of January 5, 1978. General Portland Inc. objected to the ex parte handling of the matter without stating any specific grounds for protest. It merely stated that it is a substantial shipper of portland cement within California and it is "bitterly opposed to this filing." Similarly, Monolith Portland Cement Company is opposed to the granting of the requested rate increase.

Protestants are not restricted to selecting only applicant for all future hauls; they have the option of selecting any other authorized carrier who could meet their needs.

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., is hereby authorized on behalf of Les Calkins Trucking Inc., to publish increases in Item 3000 of 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 a 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 thirty days after the date hereof.

Dated at San Francisco, California, this 7th day of FEBRUARY, 1978.

Robert Batimovich
President
William J. Agnew Jr.
Vernon L. Sturgeon
Robert D. Howell
Clair T. Schick
Commissioners