

ORIGINAL

Decision No. 88847 MAY 16 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of O. R. Thommason,	)	
Alternate Agent, under the Short-	)	
ened Procedure Tariff Docket to	)	Shortened Procedure
publish provisions resulting in	)	Tariff Docket
increases on behalf of Walton	)	Application No. 57917
Distribution Services, Inc. in	)	(Filed March 3, 1978)
tariffs of Pacific Motor Tariff	)	
Bureau, Inc.	)	

OPINION AND ORDER

By this application Pacific Motor Tariff Bureau, Inc., Agent, (PMTB) seeks authority, on behalf of Walton Distribution Services, Inc. (Walton), to publish an exclusive-use-of equipment rule in PMTB Local Freight Tariff 6-F, Cal. P.U.C. No. 5 and PMTB Local Freight and Express Tariff 8-A, Cal. P.U.C. No. 1. 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 minimum charge based on: (1) 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 (2) the Class 35 Rate for 40,000 pounds for exclusive use of equipment with a lineal space of over 28 feet.

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 Walton by as much as one percent.

The application was listed on the Commission's Daily Calendar of March 8, 1978. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that increases resulting from publication of an exclusive-use-of equipment rule proposed in the application as modified in Appendix A are justified. A public hearing is not necessary. The Commission concludes that the application should be granted to the extent indicated in the ensuing order.

IT IS ORDERED that:

1. Pacific Motor Tariff Bureau, Inc., Agent, is hereby authorized, on behalf of Walton Distribution Services, Inc., to publish amendments to its Local Freight Tariff No. 6-F, Cal. P.U.C. No. 5 and Local Freight and Express Tariff No. 8-A, Cal. P.U.C. 1, as shown in Appendix A attached hereto and by this reference made a part hereof.

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.

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

Dated at San Francisco, California, this 16th day of MAY, 1978.

Robert Bateman  
President  
William Lyons Jr.  
Virginia L. Stinson  
Michael P. Howell  
Clair T. Dedrick  
Commissioners

## APPENDIX A

## WALTON DISTRIBUTION SERVICES, INC.

EXCLUSIVE USE/FULL UTILIZATION OF EQUIPMENT

1. When exclusive use of carrier's equipment is requested, such service will be performed only upon the request of a single debtor, subject to the following provisions:
  - (a) Charges for the entire shipment will be computed at the applicable rate and minimum weight (or actual weight, if greater), subject to a minimum charge per unit of equipment utilized in exclusive use as set forth in Paragraph 3. (Subject to Note 1)
2. When a shipment requires the full utilization of one or more units of carrier's equipment to transport a shipment the following will apply:
  - (a) Each unit of equipment, except the last one which carries the excess or overflow must be loaded to capacity. (Subject to Note 2)
  - (b) Charges for the entire shipment will be computed at the applicable rate and minimum weight (or actual weight, if greater) subject to a minimum charge for each unit of equipment fully utilized as set forth in Paragraph 3 below. (Subject to Notes 1 and 2)
  - (c) The excess or overflow transported on the last unit of equipment will be charged for at the actual weight and the rate applicable to the entire shipment.

3. LINEAL LOADING SPACE OF THE  
UNIT OF EQUIPMENT USED

MINIMUM CHARGE

Not over 28 feet -----	20,000 pounds at the Class 55 rate
Over 28 feet -----	40,000 pounds at the Class 35 rate

NOTE 1: - The term "Charge" or "Minimum Charge" as used in this item means the line haul transportation charges and does not include accessorial charges of any kind, which will be in addition to the charges computed under the provisions of this item.

NOTE 2: - The term "loaded to capacity" as used in this item means a unit of equipment is fully utilized when it cannot accommodate any additional increments of any of the articles

comprising the shipment because of size or weight. Loading shall in no case exceed the maximum weights or measurements that are authorized to be transported over the public streets or highways.

END OF APPENDIX A