

Decision No. 88960 JUN 13 1978**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Marino Bros. )  
 Trucking Co., under Shortened )  
 Procedure Tariff Docket to )  
 publish tariff provisions re- )  
 sulting in increases because of )  
 proposed transfer of applicant's )  
 rates to Western Motor Tariff )  
 Bureau, Inc. from another tariff )  
 bureau )

Shortened Procedure  
 Tariff Docket  
 Application No. 58032  
 (Filed April 27, 1978)

OPINION AND ORDER

By this application, Marino Bros. Trucking Co. (Marino) seeks authority to partially cancel its participation from tariffs issued by O. R. Thomasson, Agent, Pacific Motor Tariff Bureau, Inc. (PMTB) and transfer its canceled participation into tariffs of Western Motor Tariff Bureau, Inc. (WMTB).

As a result of the proposed transfer, increases would occur. WMTB Tariff No. 111 provides charges for the service of transporting export or import freight subject to certain conditions while PMTB Tariff No. 8-A does not. WMTB Tariff No. 111 also provides a different charge than PMTB Tariff No. 8-A on shipments tendered for delivery but which cannot be accomplished through no fault of the carrier. In addition, WMTB Tariff No. 111 provides different charges than PMTB Tariff No. 8-A for storage.

Applicant also proposes to cancel certain commodity rate items which no longer move traffic. In some cases, the traffic has been lost to competitive carriers whose rates are below those at which applicant can make a profit. It is applicant's opinion that because it is not moving traffic under the rates proposed to be cancelled they, in effect, become dead rates through inactivity. Applicant alleges it is in the interest of tariff simplification to remove the rates.

In the event the application is granted and the resulting tariff publication is made, such publication would result in an increase of approximately \$1,000. The increases resulting from the proposal herein would not increase Marino's California intrastate gross revenue by as much as one percent.

The application was listed on the Commission's Daily Calendar of May 1, 1978. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that the proposed increases in applicant's rates are justified. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. O. R. Thomasson, Agent, Pacific Motor Tariff Bureau, Inc. is hereby authorized to cancel from its tariffs, on behalf of Marino Bros. Trucking Co., the rates as specifically set forth in the application.
2. Western Motor Tariff Bureau, Inc., Agent, is hereby authorized to publish in its tariffs, on behalf of Marino Bros. Trucking Co., the rates as specifically set forth in the application.
3. 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.
4. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

(SPT) A. 58032 - gjw

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

Dated at San Francisco, California, this 13th  
day of JUNE, 1978.

Robert B. ...  
President  
William ...  
Vernon L. ...  
Charles P. ...  
Clare T. ...  
Commissioners