

Decision No. 89366 SEP 6 1978

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )	
of Western Motor Tariff Bureau, )	
Inc., Agent, for permission under )	Application No. 58187
Sections 454, 460, 490 and 491 )	(Filed June 29, 1978)
of the Public Utilities Code to )	
publish certain tariff provi- )	
sions. )	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., Agent, (WMTB) seeks authority to cancel rail competitive rates and provisions presently published in WMTB, Local and Proportional Freight and Express Tariff No. 109, Cal. P.U.C. No. 13 (WMTB 109). WMTB, concurrently, seeks authority to publish a new issue of this tariff, WMTB 109-A.

Currently, common carriers, by filing appropriate applications with the Commission, can publish in their tariffs rail competitive rates. Permitted carriers without a filing can utilize rail carrier tariff rates directly from the applicable rail carrier tariff. WMTB 109 publishes these rail competitive rates for its participating common carriers. The common carriers participating in this tariff have analyzed their participation and as a result of these analyses the reissue (WMTB 109-A) has brought forward provisions which will reflect present traffic movements utilizing the rail competitive rates.

Applicant anticipates that many present "permitted" carriers will become "common" carriers and will desire to publish rail competitive rates. Therefore, applicant has revised WMTB 109 to provide an opportunity for the "new" common carriers to continue to assess rail competitive rates with the least amount of expense or time lag.

WMTE 109-A is based upon alternative application provisions as contained in the Commission's Minimum Rate Tariffs. Individual rules and items detailing the provisions and rates applicable for the traffic have been adopted from the Pacific Southcoast Freight Bureau Tariffs and various individual railroad tariffs pertaining to intrastate movements.

Applicant seeks authority to depart from Section 461.5 of the Public Utilities Code in order that no long- and short-haul violations exist. This occurs due to divergence in routing between that employed by applicant (highway common carriers) and that employed by competing rail carriers.

Applicant also seeks authority under Sections 454, 490 and 491 of the Public Utilities Code to:

1. Add carriers into existing rates, routes or provisions for the life of WMTE 109-A, on not less than five days' notice to the Commission. If the carrier is new to the tariff, such carrier will also be added into the following governing publications of the Western Motor Tariff Bureau, Inc.:
  - A. Rail Freight Station List No. 1-A, Cal. P.U.C. No. 16.
  - B. Scope of Operations and Participating Carrier Tariff No. 100, Cal. P.U.C. No. 3.
  - C. Mechanical Protective Service Tariff No. 108, Cal. P.U.C. No. 12.
  - D. Tariff No. 117, Cal. P.U.C. No. 27.
2. Eliminate carriers from rates, routes or provisions on not less than thirty days' notice to the Commission, thereby allowing rates and provisions otherwise published under Section 486 of the Public Utilities Code to apply.

Should a carrier desire rates or provisions published which are not then in existence in WMTB 109-A, or want to change an existing rate or provisions, appropriate Section 454 or 460 authority will be requested from the Commission.

The Commission is in accord with WMTB in its striving for simplification of tariff filing. The tariff (WMTB 109-A) provides that participating common carriers can utilize all of the rail competitive rates contained in the tariff. This eliminates the Commission requirement that a common carrier prior to publishing or canceling a specific rail competitive rate apply to the Commission for approval. This elimination allows the common carrier to participate in competitive situations without a time lag due to seeking approval to publish the necessary rate item.

The application was listed on the Commission's Daily Calendar of June 30, 1978. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable and the publication of the tariff will expedite highway common carriers in competing with other modes of transportation. 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, is authorized to cancel the rail competitive rates presently published in Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 109, Cal. P.U.C. No. 13 and to concurrently publish Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 109-A the provisions shown in Exhibit A-1 of the application and by this reference made a part hereof.

2. Western Motor Tariff Bureau, Agent, is authorized to add carriers into the existing rates, routes or provisions of Western Motor Tariff Bureau, Agent, Local, Joint and Proportional Freight

and Express Tariff No. 109-A on not less than 5 days' notice to the Commission.

3. Western Motor Tariff Bureau, Agent, is authorized to eliminate carriers from rates, routes or provisions of Western Motor Bureau, Agent, Local, Joint and Proportional Freight and Express Tariff No. 109-A on not less than thirty days' notice to the Commission, thereby allowing rates and provisions otherwise published under Section 486 of the Public Utilities Code to apply.

4. Western Motor Tariff Bureau, Inc., Agent, is hereby authorized to depart from the long- and short-haul provisions of Section 461.5 of the Public Utilities Code to the extent necessary to exercise the authority granted herein.

5. Western Motor Tariff Bureau, Inc., Agent, shall observe the following provisions:

- a. Within 120 days after the effective date of this order, applicant shall file the Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 109-A in triplicate in the Commission's office.
- b. The tariff (WMTB 109-A) shall be made effective thirty days after the date of filing with the Commission. Concurrently, the present tariff (WMTB 109) shall be cancelled effective the same date.
- c. Tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117-Series.

6. The authority granted herein to Western Motor Tariff Bureau, Agent, applies only to the Western Motor Tariff Bureau, Agent, Local, Joint and Proportional Freight and Express Tariff No. 109-A and shall be effective until modified or cancelled by order of the Commission.

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The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 6th day of SEPTEMBER, 1978.

Robert F. Atkinson  
President

William J. Quon

Vernon L. Sturgeon

Robert D. Howell

Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.