

OCT 17 1978

Decision No. 89540**ORIGINAL**

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 )  
 Delta Lines, Inc. and Delta )  
 Express, Inc. and all other car- )  
 riers as shown in Exhibit "B", )  
 provisions resulting in increases )  
 because of a proposed amendment )  
 to Item 313 of Western Motor )  
 Tariff Bureau, Inc., Tariff 111, )  
 Cal. P.U.C. 15, involving a rule )  
 providing for exclusive use or )  
 full utilization of carriers )  
 equipment. )

Shortened Procedure  
 Tariff Docket  
 Application No. 58229  
 (Filed July 19, 1978)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., (WMTB) seeks authority on behalf of Delta Lines, Inc. and Delta Express, Inc. (Delta), A & B Transportation Service, Inc. (A & B), Bayview Trucking Inc. (Bayview), California Motor Transport Co. and California Motor Express, Ltd. (California Motor) to amend in two respects the provisions applicable to the exclusive use or full utilization of a carrier's equipment, as set forth in Item 313 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15.

Applicant contends that the aforesaid carriers are seeking to assess charges based upon the length of equipment furnished to shippers. Currently the charges are assessed upon the loading space required or demanded by the shippers. Delta and California Motor project that the increases in revenue from the proposed charges, on an annual basis, would approximate \$8,000 and \$6,000 respectively. The other carrier participants, A & B and Bayview, contend that they would not derive any increase in revenues from the publication of the proposal.

Applicant also seeks to change the geographic application of a restriction in Item 313. Presently, when certain paper products are transported by the aforesaid carriers, the exclusive use or full utilization of carrier's equipment rules do not apply. Delta is seeking to amend these provisions so that they will apply to paper products except when the transportation originates at Modesto. Delta alleges that it never was the intention of the carrier "...to have provisions of this paragraph apply on a statewide basis." According to applicant, California Motor has operations similar to those of Delta. A & B and Bayview state that neither transports said commodities nor would derive any increases in revenues from the proposed changes in the tariff item.

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenues of Delta and California Motor by as much as one percent.

The application was listed on the Commission's Daily Calendar of July 19, 1978. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that increases resulting from the proposal herein 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, is hereby authorized, on behalf of Delta Lines, Inc. and Delta Express, Inc., A & B Transportation Service, Inc., Bayview Trucking Inc., California Motor Transport Co. and California Motor Express, Ltd., to publish amendments to Item 313 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15, as specifically proposed in the application.

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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 17<sup>th</sup>  
day of OCTOBER, 1978.

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President  
*William J. ...*  
\_\_\_\_\_  
*Vernon ...*  
\_\_\_\_\_  
*Richard W. ...*  
\_\_\_\_\_  
*Clare J. ...*  
Commissioners

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