

ORIGINAL

Decision No. 89874 JAN 16 1979

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. 58442
Sections 454, 460, 490 and 491)	(Filed October 30, 1978)
of the Public Utilities Code to)	
publish certain tariff provisions.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., Agent (WMTB), seeks authority under Sections 454, 461.5, 490 and 491 to add and/or eliminate participating carriers from existing rates, routes or provisions of WMTB Local, Joint and Proportional Freight Tariff No. 101-A, Cal. P.U.C. No. 37 (WMTB 101-A) and the applicable governing publications of WMTB.¹

WMTB 101-A is based upon alternative application provisions as contained in the Commission's minimum rate tariffs, and authority is taken from Pacific Southcoast Freight Bureau Tariff 272-C.

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

1. Add carriers into existing rates, routes or provisions of WMTB 101-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.

¹ The WMTB governing publications are:
 Rail Freight Station List No. 1-A, Cal. P.U.C. No. 16;
 Scope of Operations and Participating Carrier
 Tariff No. 100, Cal. P.U.C. No. 3;
 Freight Tariff No. 117, Cal. P.U.C. No. 27.

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b. Scope of Operations and Participating Carrier Tariff No. 100, Cal. P.U.C. No. 3.

c. 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 established pursuant to 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 101-A, or want to change an existing rate or provision, appropriate Sections 454 and 461.5 authorities will be requested by applicant from the Commission.

Applicant also 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 states that this request to change publication procedure is aimed primarily at the future publication of rates for those carriers who, prior to the passage of Senate Bill 860, were permitted carriers and who choose to become certificated carriers.

Applicant declares that it is anticipated that many former permitted carriers will become common carriers and will desire to publish rail competitive rates.

The Commission, in Decision 89366 of September 6, 1978, approved a similar request of WMTB, stating that it is in accord with WMTB in its striving for simplification of tariff filing and also that this 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 October 31, 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 simplification of tariff filing 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 add carriers into the existing rates, routes or provisions of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight Tariff No. 101-A, Cal. P.U.C. No. 37, on not less than five days' notice to the Commission and to the public.

2. Western Motor Tariff Bureau, Inc., Agent, is authorized to eliminate carriers from rates, routes or provisions of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight Tariff No. 101-A, Cal. P.U.C. No. 37, 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.

3. 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.

4. 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 80-Series.

5. The authority granted herein to Western Motor Tariff Bureau, Inc., Agent, applies only to the Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight Tariff No. 101-A, Cal. P.U.C. No. 37, and shall be effective until modified or canceled 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 16th day of JANUARY, 1979.

Robert B. ...
President
Richard D. ...
Clare J. ...

Commissioners