

Decision No. 89971 FEB 14 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor	)	
Tariff Bureau, Inc. under the	)	
Shortened Procedure Tariff Docket)	)	Shortened Procedure
to publish for and on behalf of	)	Tariff Docket
all carriers party to its Cement	)	Application No. 58438
Tariff 17, tariff provisions	)	(Filed October 27, 1978)
resulting in increases because of	)	(First Amendment January 2, 1979)
changes in minimum charges.	)	(Second Amendment January 19, 1979)

OPINION AND ORDER

By this application, as amended, Western Motor Tariff Bureau, Inc., Agent (WMTB) seeks authority on behalf of all carriers participating in WMTB's Local Freight Tariff No. 17, Cal. P.U.C. No. 21 (Cement Tariff) to amend the Minimum Charge Rule, Item 2170 of that tariff.

WMTB states that recently carriers' equipment has not been loaded to capacity, due to the shortage of cement and/or the marketing practices of individual shippers, resulting in a loss of revenue to the carrier as well as inefficient use of equipment.

By this proposal, the carriers are seeking to establish a rule, whereby, if equipment utilized cannot legally transport 52,000 pounds of bulk cement, the shippers will not be penalized for that deficiency. However, on the other hand, if a carrier tenders a configuration of equipment to a shipper with a weight carrying capacity of 52,000 pounds or more, the shipper shall be assessed charges per shipment at the applicable rate, but not less than a minimum charge based upon the weight of 52,000 pounds.

Applicant avers that the change proposed is more of a protective device than a revenue raising measure. If the application is granted, WMTB estimates that the increase in annual revenue will be less than \$1,000, and will not increase the California intrastate gross revenue of any such carrier by as much as one percent.

The application and amendments were listed on the Commission's Daily Calendars of October 30, 1978, January 3, 1979 and January 22, 1979, respectively. No objection to the granting of the application or amendments has been received.

In the circumstances, the Commission finds that the increases resulting from the proposal are reasonable and justified. A public hearing is not necessary. The Commission concludes that that the application, as amended, should be granted.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., Agent, on behalf of all carriers participating in its Local Freight Tariff No. 17, Cal. P.U.C. No. 21, is hereby authorized to publish increases in Item 2170, of said tariff, as specifically proposed in Application 58438, as amended, 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 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 14th day of FEBRUARY, 1979.

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Coyne  
President

William L. DeBrie

Commissioners

Commissioner Leonard M. Grimes, Jr., being necessarily absent, did not participate.