

Decision No. 89973 FEB 14 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of O. R. Thomasson,)	
Alternate Agent, under the)	Shortened Procedure
Shortened Procedure Tariff)	Tariff Docket
Docket to publish provisions)	Application No. 58514
resulting in increases on)	(Filed December 11, 1978)
behalf of M & L Trucking)	
Co., Inc. in tariffs of)	
Pacific Motor Tariff Bureau, Inc.)	

OPINION AND ORDER

By this application, O. R. Thomasson, Alternate Agent, Pacific Motor Tariff Bureau, Inc., (PMTB), seeks authority on behalf of M & L Trucking Co., Inc., (M & L), to publish a rule setting forth charges in connection with debtor requested expedited service or special trips in PMTB Local Freight and Express Tariff 3-A, Cal. P.U.C. No. 1 - Freight (Series of D.W. Baker, Agent).

Authorization is also requested for departures from Sections 461.5 and 491 of the Public Utilities Code when publishing the proposed rule.

Applicant alleges that during the course of meeting the daily transportation needs of the public, there occasionally arise circumstances, which, due to particular marketing characteristics of some shipments, inclement weather, schedules for loading or unloading or special equipment requests, necessitate M & L to drastically alter normal dispatching procedures and equipment utilization. Under such circumstances M & L incurs additional labor and operational expenses which are not compensated for in the present rate structure.

In the application of the proposed rule instances could occur where charges would be less for a longer than for a shorter distance in violation of Section 461.5 of the Public Utilities Code. Therefore, relief from this section of the Code is requested.

Applicant also requests, on behalf of M & L, that it be authorized to make the proposed publication on not less than five days' notice so that, at an early date, it may preclude further subsidization of transportation that would be subject to the proposed rule.

Applicant has been informed by M & L that in the event this application is granted and tariff publication is made, M & L would expect to increase its annual gross revenue by approximately \$2,300. The increase resulting from the proposal herein would not increase M & L's California intrastate gross revenue by as much as one percent.

The application was listed on the Commission's Daily Calendar of December 12, 1978. No objection to the granting of the application has been received.

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

IT IS ORDERED that:

1. O. R. Thomasson, Alternate Agent, Pacific Motor Tariff Bureau, Inc., on behalf of M & L Trucking Co., Inc., is hereby authorized to publish a new item regarding expedited service or special trips in its Local Freight and Express Tariff 8-A, Cal. P.U.C. No. 1 - Freight (Series of D. W. Baker, Agent) as specifically set forth in Appendix A in its application.

2. Applicant, in establishing and maintaining the rates authorized hereinabove, is authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rates published under the authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

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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.

The 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. Burns
President
Vernon L. Sturgeon

Clare J. DeRoch

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

Commissioners