

Decision No. 90289 MAY 8 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) )  
to publish, for and on behalf of )  
Peerless Trucking Co., provisions) )  
resulting in increases because of )  
publication of a rule providing )  
for full utilization of carrier's )  
equipment. )

Shortened Procedure  
Tariff Docket  
Application No. 58621  
(Filed January 24, 1979)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., Agent (WMTB) seeks authority on behalf of Peerless Trucking Co. (PRSL) to cancel participation in the Full Utilization of Carrier's Equipment rule of Item 395 of WMTB Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15 (Tariff 111), and in lieu thereof publish a new utilization of carrier's equipment rule, as Item No. 295, in the same tariff for the carrier.

Applicant indicates that PRSL needs a "full utilization item which (will) provide a more equitable level of charges in relation to the cost of providing such service than the present provisions in Item No. 395."

PRSL avers that the proposal will "fulfill a definite revenue need," and at the same time, "--also prevent an out-of-pocket loss when transporting high volume low density freight tendered in large quantities and requiring the full use of one or more units of equipment."

The proposed item, in essence, provides the carrier with the means to assess a higher minimum charge for full utilization of equipment, when it provides a shipper equipment of greater

capacity. PRSL avers, by the participation in the new item, its annual revenue will increase by \$3,000. However, it contends that its California intrastate gross revenue would not be increased by as much as one percent (1%) and, therefore, the proposal is within the President's wage-price guidelines.

The application was listed on the Commission's Daily Calendar of January 25, 1979. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that the proposed changes are 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. Western Motor Tariff Bureau, Inc., Agent, on behalf of Peerless Trucking Co., is hereby authorized to publish amendments to its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15, as specifically proposed in the application, except Paragraph (D) of Item 295 of said tariff, which shall be amended to read as follows:

- (D) A unit of carrier's equipment will be considered loaded to its legal capacity when it cannot accommodate any additional increments of any of the articles comprising the entire shipment. Loading shall in no case exceed the maximum weight or height or length that may be transported in one unit of carrier's equipment, in accordance with existing highway and safety regulations via the route of movement.

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.

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This order shall become effective thirty days after the date hereof.

Dated at San Francisco, California, this 8<sup>th</sup> day of MAY, 1979.

John E. Boyer  
President  
Hermon L. Sturgeon

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

Clair T. Petraitis  
Frank W. Smith  
Commissioners