

Decision No. 90346 MAY 22 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California Cartage)
Express under Shortened Procedure)
Tariff Docket to publish tariff)
provisions resulting in increases)
because of proposed cancellation)
of its Local Express Tariff No. 4,)
Cal. P.U.C. No. 2 and the proposed)
transfer of applicant's rates to)
tariffs issued by Western Motor)
Tariff Bureau, Inc.)

Shortened Procedure
Tariff Docket
Application No. 58749
(Filed March 20, 1979)

OPINION AND ORDER

By this application, California Cartage Express, a California corporation, requests authorization to cancel its Local Express Tariff No. 4, Cal. P.U.C. No. 2, which names class and commodity rates for the transportation of property, and concurrently with the proposed cancellation, to participate in certain tariffs issued by Western Motor Tariff Bureau, Inc. (WMTB).^{1/}

Applicant states that it has determined that it would be in its best interest to transfer from the issue of its tariff to issues of WMTB. Applicant has also determined that a number of

¹The WMTB Tariffs are:

- Points Directory No. 1-A, Cal. P.U.C. No. 25;
- Rail Freight Station List No. 1-A, Cal. P.U.C. No. 16;
- Exception Sheet No. 1-B, Cal. P.U.C. No. 34;
- Scope of Operations and Participating Carrier Tariff No. 100, Cal. P.U.C. No. 3;
- Local, Joint and Proportional Freight Tariff No. 101-A, Cal. P.U.C. No. 37;
- Local and Proportional Freight and Express Tariff No. 104-A, Cal. P.U.C. No. 23;
- Local Freight and Express Tariff No. 106, Cal. P.U.C. No. 11;
- Tariff 109-A, CA PUC No. 43;
- Local, Joint and Proportional Freight and Express Tariff No. 111; Cal. P.U.C. No. 15;
- Tariff No. 117, Cal. P.U.C. No. 27;
- Local Freight and Express Tariff No. 127, Cal. P.U.C. No. 39.

advantages will accrue to itself as a result of the proposed transfer. Applicant points out that due to inherent differences between the tariff issued by it and tariffs issued by WMTB, some increases may result in the transfer. According to applicant, examples of such increases are as follows:

- (A) Item No. 537 (Redelivery) of WMTB Tariff No. 111 provides charges on shipments once tendered for delivery and could not be accomplished through no fault of the carrier. These provisions were granted by the Commission in its Decision No. 75540. Local Express Tariff No. 4 provides a different charge for this service.
- (B) Item No. 705 (Storage) of WMTB Tariff No. 111 provides charges for storage. These provisions were authorized by the Commission in its Decision No. 70073. Local Express Tariff No. 4, Item No. 180, provides charges for storage; however, the level of charges differs from those set forth in WMTB, Tariff No. 111, Item 705.
- (C) The exceptions to the governing classification and governing exception sheet as shown in Item Numbers 200 through 380 inclusive, 500 and 590 in Local Express Tariff No. 4 will be cancelled. The exceptions contained in Western Motor Tariff Bureau, Inc., Exception Sheet No. 1-B will apply.

Applicant infers that there is a substantial portion of the certificated motor carriers in California that operate under rates published in the tariffs issued by WMTB. Applicant contends that it desires to become a party to these tariffs to enable it to be in a competitive position with the majority of other common carriers.

Applicant avers that increases resulting from the proposal herein would increase its yearly revenue by \$1,000, would not increase its California intrastate gross revenue by as much as one percent and, as such, are within the President's wage-price guidelines.

Copies of the application were furnished to California Trucking Association, Department of General Services, State of

California, Traffic Department, California Manufacturers Association and Western Motor Tariff Bureau, Inc., on or about March 16, 1979. The application was listed on the Commission's Daily Calendar of March 21, 1979. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable and 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. California Cartage Express, a California corporation, is authorized to cancel its Local Express Tariff No. 4, Cal. P.U.C. No. 2 and to have its participation added to certain tariffs issued by Western Motor Tariff Bureau, Inc., Agent, as specifically proposed in the application.

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 effective date of the tariff cancellation authorized herein shall be concurrent with the effective date of the Western Motor Tariff Bureau, Inc., tariff publications authorized herein.

4. The authority granted by the order herein shall expire unless exercised within ninety days after the effective date of this order.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 22nd day of MAY, 1979.

John E. Byrne
President

James L. Sturgeon

Richard W. Givale

[Signature]
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.