

HEC/FS

Decision No. 90465 JUN 19 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California Motor Express, Ltd., under the Shortened Procedure Tariff Docket to publish for and on behalf of California Motor Express, Ltd., a "surcharge item" which results in increases. Publication to be made in Rules and Regulations Section of Western Motor Tariff Bureau, Inc. Tariff No. 111, Cal. P.U.C. No. 15.)	Shortened Procedure Tariff Docket
)	Application No. 58830
)	(Filed April 30, 1979)
)	(Amendment filed May 25, 1979)

OPINION AND ORDER

California Motor Express, Ltd., (CMEO) seeks authority to have published, for and on behalf of CMEO, a surcharge item in Western Motor Tariff Bureau, Inc. Agent's Tariff No. 111, Cal. P.U.C. No. 15 (WMTB 111).

This surcharge being sought shall apply on truckload shipments of paper products from Ventura County to Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties.

A unit of equipment when fully loaded with paper products for rate-making purposes could be charged at class rates with a minimum weight of 20,000 or 22,000 pounds applicable to the truckload shipment. However, CMEO participates in Item 313 of WMTB 111 which provides a charge for the "full utilization of a carrier's equipment." The provisions of this item apply when exclusive use of carrier's equipment is required when by nature of the commodity the equipment cannot be loaded to its legal weight carrying capacity.

Item 313 of WMTB 111 states, "(t)he charges shall be assessed by applying the Class 35 rate subject to a minimum weight based upon length of equipment furnished ... (over 28 feet length of equipment) ... minimum weight of 40,000 pounds." If higher charges will result than those above from the application of the actual weight of the shipment at class rates, then such higher charges will apply in lieu of those charges provided above.

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CMEO alleges that the transportation of truckload movements of paper products weighing 20,000 to 22,000 pounds utilize the full carrying capacity of its trailers which are capable of transporting 40,000 pounds or more of freight. The movements of paper products at truckload minimum weights of 20,000 to 22,000 pounds are not compensatory and would put CMEO in the position of losing money on this traffic if they didn't utilize the provisions of Item 313 of WMTB 111.

CMEO has proposed the surcharge to eliminate questions that have caused problems when Item 313 of WMTB 111 has been used. The surcharge of thirty-five (35) percent will be assessed on the charges computed using the applicable class rates and minimum weights for paper products. The resultant charges, if the surcharge is authorized, would not increase CMEO's California intrastate gross revenues by more than one (1) percent.¹

¹ Revenue Comparison: Item 313 - WMTB 111 vs. Class Rates/22,000 Pound Minimum.

	<u>Item</u> 313	<u>Class Rates</u> w/35% SC	<u>Difference</u>
From: Oxnard			
To: MZ 225	\$296	\$299	\$+3
MZ 235	324	327	+3
MZ 252	336	341	+5
MZ 255	340	356	+16
MZ 301	468	464	-4
From: Oxnard			
To: El Centro	\$584	\$583	\$-1
Bakersfield	404	404	N/C
Riverside	372	380	+8
San Bernardino	384	391	+7

The application and amendment were listed on the Commission's Daily Calendar of May 1 and 29, 1979, respectively. No objection to the granting of the application, as amended, 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. California Motor Express, Ltd. is hereby authorized to have published for and on behalf of California Motor Express, Ltd. the amendments as specifically proposed in its application. Publication to be made in Rules and Regulations Section of Western Motor Tariff Bureau, Inc., Agent's Tariff No. 111, Cal. P.U.C. No. 15.

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.

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

Dated at San Francisco, California, this 19th day of JUNE, 1979.

John E. Bayne
President
Thomas L. Striggen
Robert D. Howell
Clare J. Delrieu
Edward W. Dennis Jr.
Commissioners