

90537

JUL 3 1979

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
DIRECT MESSENGER SERVICE, INC., for)	
Special Permission to delay the filing)	Application No. 58945
of tariffs pursuant to Section 1063.5)	(Filed June 19, 1979)
of the Public Utilities Code, and)	

In the Matter of the Application of)	
MUSIC EXPRESS for Special Permission)	
to delay the filing of tariffs pursuant)	Application No. 58946
to Section 1063.5 of the Public)	(Filed June 20, 1979)
Utilities Code.)	

O P I N I O N

Senate Bill 860 (SB 860), enacted as Chapter 840, Statutes 1977, amended the Public Utilities Code to eliminate the radial highway common carrier classification of regulated highway carriers. Carriers holding radial permits were provided the opportunity to continue their regulated business operations by converting such permits into either, or both, a highway common carrier certificate or a highway contract carrier permit. Carriers converting to highway common carrier status are required by operation of Public Utilities Code Section 486 to file with the Commission a tariff listing the service which will be provided pursuant to such authority, and the rates to be charged. Decision 89575, issued October 31, 1978, established an implementation plan designed to provide a common date for conversion of all highway carrier authorities. In order to accomplish this objective, an implementation schedule was established which required that common carrier tariffs be filed over a period of time sufficient to allow orderly administrative processing. This schedule has been modified, but reaffirmed in essential respects in Decision 90351, and is currently being followed.

By separate applications, Direct Messenger Service, Inc., and Music Express have requested that the time for filing their tariffs be extended by 90 days. Both applications are based upon the following

basic allegations:

1. The minimum rate tariffs are inadequate to meet the needs of these carriers and hence cannot be adopted;
2. Proper rate levels to be in effect January 31, 1980, the effective date of the tariffs, have not been projected; and
3. Additional time is required due to the complexity involved in developing a new tariff and rate structure.

Due to the necessity for quick resolution of the issues raised in these applications, and the need to provide guidance to our staff on these matters, consideration of these applications has been expedited.

We are of the opinion that the applications for extensions of time should be denied. In Decision 89575, we established several easy and inexpensive means of complying with Public Utilities Code Section 486. Although we emphasized the ease and economy of adopting one or more Commission minimum rate tariffs in whole or in part, we recognized that this method of tariff publication would not be adequate to serve the needs of every carrier. Several alternative methods were identified, including participation in a rate bureau, filing an affidavit of subhauling, and publication of an individual carrier tariff. Simply because the latter option is selected as most advantageous in a given case is no grounds for exemption from our implementation schedule. Moreover, in view of the flexibility we indicated we would exercise in evaluating individual carrier tariffs, no additional time should be required.

We recognize that the technical requirements of tariff construction are not within the expertise of many individual carriers, and will liberally construe all such requirements in the interest of easing carriers through this period of transition. We encourage

carriers to develop and file their own tariffs suited to their own individual operating needs and circumstances and will accept for filing all initial carrier tariffs so long as the following minimum information is provided in some form:

1. The filing carrier's name, "T number" and certificate number;
2. A reasonable indication of the geographic area (by counties or other means of designation) in which the tariff will apply;
3. The commodities, classes of commodities, types of freight, or types of shipments to which the tariff will apply; and
4. A schedule of rates or a formula by which such rates can be determined.

We will not be overly technical in our review of initial filings, but instead will direct our staff to advise and actively assist carriers in bringing their initial filings into compliance with tariff rules and regulations by subsequent modification as soon as reasonably practicable.

We appreciate the problem created by requiring the filing today of a schedule of rates which will not be effective until January 31, 1980. It is indeed difficult to predict the level of rates that will be necessary and appropriate at a point in time so far in the future. In Decision 89575, we established a plan for the implementation of SB 860 which balanced the interests of the industry with the administrative capacity of the Commission. We could not provide a common effective date for conversion of all highway carrier authorities, and equal competitive opportunity to all carriers, without establishing an implementation schedule which requires tariffs to be filed over a period of time sufficient to allow orderly administrative processing. As a consequence, some carriers will find it necessary to adjust their rates prior to their effective date. ~~This is unfortunate, but appears unavoidable.~~ *Ad*

It appearing that no extensions of time to file tariffs under SB 860 and Decision 89575 should be granted, the Docket Office should be instructed to reject any further applications for extensions.

O R D E R

IT IS ORDERED that:

1. The application of Direct Messenger Service, Inc., is denied.
2. The application of Music Express is denied.
3. The Commission's Transportation Division is directed to process common carrier tariff filings under Decision 89575 in accord with the discussion herein.
4. The Commission's Docket Office shall reject any further applications for extensions of time to file tariffs under SB 860 and Decision 89575.

The effective date of this Order is the date hereof.

Dated at San Francisco, California, this 3rd
day of JULY, 1979.

John E. Guyon
President
Veronica L. Sturgeon
Richard C. Howell
Charles T. ...
... ..
Commissioners