

EAB/FS

Decision No. 90750 AUG 28 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor)	
Tariff Bureau, Inc., Agent under)	
the Shortened Procedure Tariff)	Shortened Procedure
Docket to publish in its cement)	Tariff Docket
Tariff No. 17, Cal. P.U.C. No. 21,)	Application No. 58993
Section 2, tariff provisions)	(Filed July 13, 1979)
resulting in technical increases)	
in rates for the account of)	
Universal Transport System, Inc.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., Agent (WMTB) seeks authority on behalf of Universal Transport System, Inc., (UNTS) to amend WMTB's Local Freight Tariff No. 17, Cal. P.U.C. No. 21 (WMTB 17) to increase charges on shipments of cement when the carrier is required to unload rail cars at the carrier's Stockton facility.

Applicant alleges that from time to time shippers request carriers to provide a service which is not included in the carrier's tariff, and UNTS has been requested to provide the service of off loading rail cars at Stockton, transfer the products to its equipment and provide transportation to various northern California points. According to applicant, UNTS is a common carrier and its tariff does not include this service, and as a result, is unable to provide the service.

Applicant contends that the rates in Section 2 of WMTB 17, in which UNTS proposes to participate, were originally published, and still have as their purpose, the providing of a charge for common carriers when special circumstances exist which require common carriers to provide service which is not included in the rates of its tariff. Applicant indicates comparable provisions are provided in the Commission's Minimum Rate Tariff 10.

Applicant states that the proposed provisions, in some instances, will establish charges higher than those presently in effect, and higher than charges applicable in the Commission's Minimum Rate Tariff 10. Applicant has been advised that the proposed provisions will not be opposed by any shipper since shippers will have the option of using other carriers which could provide a lower charge if they so desire.

Applicant has been advised by UNTS that in the event the application is granted and tariff publications are made UNTS would expect to increase its annual gross revenue by approximately \$25,000. The increase resulting from the proposal herein would not increase UNTS intrastate gross revenue by as much as one percent and, as such, is within the President's wage-price guidelines.

The application was listed on the Commission's Daily Calendar of July 17, 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 Universal Transport System, Inc. is hereby authorized to publish the amendments to its Local Freight Tariff No. 17, Cal. P.U.C. No. 21, as specifically set forth in the appendix in Application 58993.

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 the public.

SPT - A. 58993 - FS

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 AUG 28 1979, at San Francisco, California.

John E. Bayne
President

Vermon L. Sturgeon

Richard W. Howell

Lawrence J. Dennis
Commissioners

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