

HEC/FS

Decision No. SI009 NOV 6 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
Western Motor Tariff Bureau, Inc.,)
Agent, for permission under)
Sections 454, 460, 490 and 491 of)
the Public Utilities Code to)
publish certain tariff provisions.)

Application No. 59125
(Filed September 7, 1979)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., Agent, (WMTB) seeks relief from filing requirements to publish certain amendments to its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15 (WMTB 111). Tariff WMTB 111 is a class and commodity rate tariff based on provisions contained in several of the Commission's minimum rate tariffs, primarily Minimum Rate Tariff 2.

Section 12 of WMTB 111 titled "Routing - Joint Rates" is published to provide a through route over the lines of two or more carriers from origin to destination. Rates named in this tariff apply jointly over the lines of carriers shown in this section serving the origin and destination points. Authorized interchange points are specified for the interchange of freight between the named carriers.

As a result of recent changes in law, WMTB anticipates that many carriers will be extending their operating authority to include the entire State. Many new carriers have been added to WMTB 111 under the conversion privileges of SB 860. These new carriers will also be participating in Section 12 by adding and eliminating joint routes.

Presently, WMTB is filing a Special Tariff Docket application to establish a joint route. When carriers desire to cancel obsolete routes a Shortened Procedure Tariff Application is filed. Changes in the routing section are routine in nature, and

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are seldom, if ever, controversial. In order to reduce clerical time and expense, and in the interests of tariff simplification WMTB requests that authority be granted to make such routine changes without having to file individual applications for each amendment. If the authority is granted the following procedures would be adopted:

- 1) Establishment of joint routes and joint rates in Section 12 on not less than five days' notice to the Commission and to the public.
- 2) Elimination of joint routes and joint rates in Section 12 on not less than thirty days' notice to the Commission and to the public.

The staff analyzed WMTB 111 and Section 12 developing the following findings:

- 1) WMTB 111 is a class and commodity rate tariff primarily based upon the provisions in the Commission's Minimum Rate Tariff 2.
- 2) WMTB 111 became effective November 11, 1963.
- 3) 496 carrier entities participate in WMTB 111. (Some carriers operate using more than one entity.)
- 4) 245 carrier entities participate in Section 12.
- 5) Presently, Section 12 consists of 70 pages.
- 6) These 70 pages in Section 12 have been the subject of 2,084 revisions since the effective date of the tariff.
- 7) Normally, two carriers are involved in a revision requiring an application. During the period of sixteen years with 2,084 revisions this could have required 65 applications a year to maintain these joint routing provisions.
- 8) Presently, WMTB has added 100 new carriers that have received common carrier authority under the Commission's certification of the new Section 1063.5 common carriers. The greater number of these will participate in WMTB 111.

- 9) Approximately 200 of the present carrier entity participants in WMTB 111 can be expected to broaden their scope of operations.
- 10) WMTB anticipates adding at least 2,000 new carriers during the next five-year period. The staff believes this to be a reasonable assumption.
- 11) The staff believes that it is reasonable to assume a minimum of 400 of these new carriers will participate in Section 12 - applying for joint routes.
- 12) Section 12 applications are routine in nature and non-controversial.
- 13) These applications are routinely handled and an increase in filings would result in time being spent on unproductive assignments.
- 14) The elimination of joint routes and joint rates should not deny service to any area of the State. It is anticipated that the increase in the number of certificated common carriers should result in adequate service to any point within the State.

During the development of the above analyses, the staff did not encounter any situations which would cause conflict if the application was granted. However, the joining or withdrawal of the two types of highway common carriers (Sections 1063 and 1063.5) in a "joint route and joint rate" may put the Section 1063 highway common carrier in violation of the long- and short-haul restriction found in Section 461.5 of the Code.

The application was listed on the Commission's Daily Calendar of September 11, 1979. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that the applicant's proposal to eliminate the filing of applications for the additions and elimination of joint routes and joint rates in Section 12 of WMTB 111 is justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

The Commission in order to permit the implementation of SB 860 without undue administrative burden or expense to the carriers involved, liberalized tariff publishing requirements for the Section 1063.5 common carriers. The Commission in Decision 89575, dated October 31, 1978, in Case 5432 - Petition 957, provided procedural rules for the Section 1063.5 carriers. For example, Appendix C - Rules Governing Grandfathered Section 1063.5 Highway Common Carrier Tariff Filings on page one, paragraph 3, states, "(O)ther changes made in the tariffs not resulting in an increase and which do not go below the Commission minimum rate levels, may be made on not less than thirty days' notice to the Commission and the public. Such notice is effected by the filing of an amendment to the tariff with provisions to make the change effective not less than thirty days after it is filed with the Commission." The order which follows should provide relief for the Section 1063 highway common carriers from Section 461.5 of the Public Utilities Code. Section 1063 highway common carriers not having this liberalized tariff filing procedure will need this relief in order to enter into or withdraw from "joint routes and joint rates" with the Section 1063.5 carriers who have been granted this relief to implement the SB 860 program.

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~~Further, the order which follows should be made for a period not to exceed two years. This period of time is recommended to study the developments in "joint routes - joint rates" by highway common carriers without the need for seeking prior approval from this Commission for their establishment.~~

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., Agent, is hereby authorized to publish amendments adding and eliminating joint routes and joint rates in Section 12 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15 without the filing of a formal application to this Commission.

2. Tariff publications authorized to be made as a result of the order herein to establish joint routes and joint rates in Section 12 shall be made effective on not less than five days' notice to the Commission and to the public.

3. Tariff publications authorized to be made as a result of the order herein to eliminate joint routes and joint rates in Section 12 shall be made effective on not less than thirty days' notice to the Commission and to the public.

4. Section 1063 highway common carriers, in establishing and maintaining rates authorized by this order, are authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures.

5. Section 1063.5 highway common carriers, in establishing and maintaining rates authorized by this order, are authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures.

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~~6. The authority granted herein shall expire two years after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.~~

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

Dated NOV 6 1979, at San Francisco, California.

John E. Cayson

President

Henry L. Stinson

Richard W. Kavel

Charles J. DeBry

Samuel J. Smith

Commissioners