

Decision No. 91267

JAN 15 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor )  
Tariff Bureau, Inc. under the )  
Shortened Procedure Tariff Docket )  
to publish, for and on behalf of )  
Smith Transportation Co., provi- )  
sions resulting in increases. )  
because of publication of a rule )  
providing for full utilization )  
of carrier's equipment. )

Shortened Procedure  
Tariff Docket  
Application No. 59278  
(Filed November 16, 1979)

OPINION AND ORDER

By this application Western Motor Tariff Bureau, Inc., Agent, seeks authority for and on behalf of Smith Transportation Co. (Smith) to amend Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15, regarding charges for exclusive use/full utilization of equipment.

Smith presently participates in an exclusive use of equipment (Item 289) and a full utilization of carrier's equipment rule (Item 395). Smith plans to cancel its participation in these two items and become a participant in an item which covers both situations (Item 311).<sup>1</sup>

Applicant states that it is the purpose of this application to establish Smith's participation in a full utilization rule which will provide a more equitable level of charges by following more closely the cost of providing such service than the present provisions. The proposed publication will fill a definite and legitimate need of Smith. It will prevent an out-of-pocket loss when transporting high volume, low density freight tendered in large quantities and requiring full use of one or more units of carrier's equipment. The Commission

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<sup>1</sup> Three other carriers are currently participating in this item.

in Decision 63234, dated February 6, 1972, stated: "When a carrier provides to a shipper full use of equipment or facilities, it has the right to just and reasonable compensation, therefore, regardless of whether those facilities are ordered or are necessitated by reason of the nature of the shipment. As a general proposition, carrier should be authorized to establish minimum charge for providing the facilities and service under those conditions."

Applicant has been advised by Smith that granting of the proposal herein will increase its gross California intrastate revenue by approximately \$5,000 annually. This amount would not increase Smith's California intrastate revenue by as much as one percent. The increase is within the President's wage-price guidelines.

The application was listed on the Commission's Daily Calendar of November 20, 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, and the effective date of this order should be the date hereof because there is an immediate need for this rate relief.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., Agent, is hereby authorized, on behalf of Smith Transportation Co., to publish in its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15, the amendments as specifically set forth in its application and in Appendix A attached hereto and by this reference made a part hereof.

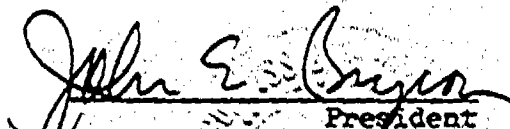
2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and to the public.

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

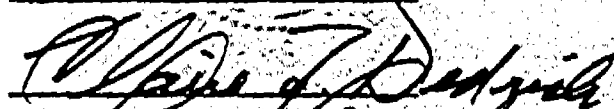
The effective date of this order is the date hereof.

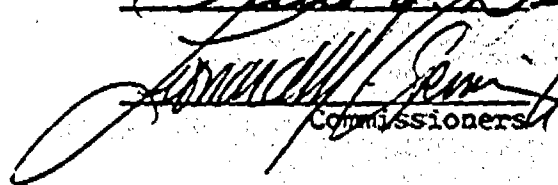
Dated JAN 15 1980, at San Francisco, California.

  
President







  
Commissioners

LOCAL, JOINT AND PROPORTIONAL FREIGHT AND EXPRESS TARIFF NO. 111

SECTION 1	RULES AND REGULATIONS	INDEX						
<b>EXCLUSIVE USE/FULL UTILIZATION OF CARRIER'S EQUIPMENT</b>								
<p>(A) Except as otherwise provided in Paragraphs (C) and (D), when exclusive use/full utilization of carrier's trailers lawfully propelled over the public highways separately or in combination with any other trailing equipment, or if carrier's straight-truck (bobtail) is required due to excessive length, width, height, or by nature of the commodity, or when shipper requests that such trailer, trailers or straight-truck or trucks be used in exclusive use, charges will be computed at the rates and minimum weights published in this tariff, applicable to the shipment without reference to this item, subject to the following minimum charge:</p>								
<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><u>MINIMUM LOADING SPACE OF TRAILER, TRAILERS OR STRAIGHT-TRUCK</u></th> <th style="text-align: right;"><u>MINIMUM CHARGE</u></th> </tr> </thead> <tbody> <tr> <td>Not over 28 feet.....</td> <td style="text-align: right;">20,000 at Class 55 rate</td> </tr> <tr> <td>Over 28 feet.....</td> <td style="text-align: right;">40,000 at Class 35 rate</td> </tr> </tbody> </table>			<u>MINIMUM LOADING SPACE OF TRAILER, TRAILERS OR STRAIGHT-TRUCK</u>	<u>MINIMUM CHARGE</u>	Not over 28 feet.....	20,000 at Class 55 rate	Over 28 feet.....	40,000 at Class 35 rate
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Over 28 feet.....	40,000 at Class 35 rate							
<p>(B) The terms "charges" or "minimum charges" as used in this item means linehaul transportation charges and does not include accessorial charges of any kind, which shall be assessed in addition hereto.</p>								
<p>(C) A unit of carrier's equipment will be considered loaded to capacity and fully utilized when it cannot accommodate any additional increments of any of the articles comprising the entire shipment. Loading shall in no case exceed the maximum weight or height or length which may be transported per unit of carrier's equipment in accordance with existing highway and safety regulations via route of movement.</p>								
<p>(D) (Applies only via AF)                  The provisions of this item will not apply to the transportation of cartons, egg shipping case or carrier, or egg carrying as described in item 41520 of the CC; egg case or egg carrier filler flats (filler and flats combined) molded wood pulp, nested as described in item 60360 of the CC; dishes, plates or trays, NOC, as described in item 152940 (Sub 1) of the CC.</p>								

Issued by  
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