

ORIGINAL

Decision No. 92774 MAR 3 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor Tariff)
Bureau, Inc., under Shortened Pro-)
cedure Tariff Docket to publish for)
and on behalf of Marino Bros.)
Trucking Co., tariff provisions)
resulting in increases because of)
the publication of a rule providing)
for full utilization of carrier's)
equipment.)

Shortened Procedure
Tariff Docket
Application No 60144
(Filed December 12, 1980)

OPINION AND ORDER

By this application Western Motor Tariff Bureau, Inc.,
Agent, requests authority on behalf of Marino Bros. Trucking Co.
(Marino), a corporation, to participate in Item 311 of Western Motor
Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and
Express Tariff 111, Cal. P.U.C. 15 (WMTB 111). Concurrent with its
participation in Item 311 Marino seeks to cancel its participation in
Item 314 of WMTB 111.

Items 311 and 314 provide charges for the full use of a
carrier's equipment when the equipment cannot be loaded to its legal
carrying capacity. These items are used in many instances when a
shipper tenders a shipment which has a high cubic volume but a low
weight per cubic foot. Item 311 is more equitable to both the shipper
and carrier than Item 314 because of the breakdown in lineal feet of
loading space it provides.

Applicant avers that the granting of this application would result in both reductions and increases which could be offsetting; however, in no event would the proposal increase Marino's California intrastate revenue by as much as one percent.

The proposed changes should provide Marino with increased utilization of its equipment and reflect fuel efficiencies in its operations.

The application was listed on the Commission's Daily Calendar of December 18, 1980. No objection to the granting of the application has been received.

Findings of Fact

1. WMTB 111 contains two items which apply when a carrier's equipment cannot be loaded to its full legal carrying capacity.
2. Item 311 of WMTB 111 is more equitable than Item 314 to both shipper and carrier.
3. The carrier, in switching from Item 314 of the tariff to Item 311, will experience both increases and reductions in revenue which could offset each other.
4. The proposed changes are justified.

5. The following order complies with the Commission's Energy Efficiency Plan.
6. A public hearing is not necessary.

Conclusions of Law

1. The proposed shift in tariff items is just and reasonable and should be authorized.
2. The application should be granted as set forth in the ensuing order.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., Agent, is authorized for and on behalf of Marino Bros. Trucking Co. to publish the changes in Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff 111, Cal. P.U.C. 15 as proposed in the application.

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 granted herein 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 MAR 3 1981, at San Francisco, California.

John E. Bay
President
Richard D. Grody
Thomas J. King
Victor Calder

Commissioners