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ORIGINALDecision 92205 APR 7 1981

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of United Truck Line, Spear)
Enterprises, Inc., dba, seeking)
authority to publish tariff)
provisions resulting in increases)
because of proposed transfer of)
applicant's rates to Western)
Motor Tariff Bureau, Inc. from)
another tariff bureau.)

Application 60378
(Filed March 19, 1981)

INTERIM OPINION AND ORDER

By this application, Spear Enterprises, Inc., dba United Truck Line (UTL) seeks authority to transfer its participation from tariffs issued by the Pacific Coast Tariff Bureau to tariffs published by the Western Motor Tariff Bureau, Inc., Agent. (WMTB).

The transfer to the WMTB tariffs could result in increases for UTL. The individual carriers presently participating in the WMTB tariffs were authorized increases totaling 11 percent by recent Commission decisions.^{1/}

UTL proposes to be made a party to the following tariffs issued by WMTB:

- (a) Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15;

^{1/} Decision 92256, dated September 16, 1980 in Application 59835 - 4 percent.
Decision 98829, dated March 17, 1981 in Application 60165 - 7 percent.

- (b) Local Freight Tariff No. 113, Cal. P.U.C. No. 19;
- (c) Exception Sheet No. 1-B, Cal. P.U.C. No. 34; and
- (d) Participating Carrier Tariff WMT 860, Cal. P.U.C. No. 44.

UTL was authorized by Decision 92688, dated February 4, 1981 in Application 60215 increases to 4 percent based upon increased operating costs being experienced, namely labor increases. UTL as a highway common carrier performs transportation services which parallel those of the participants of the WMTB tariffs. UTL experiences the same increases in the costs of performing these services and by transferring its tariffs to the WMTB tariffs UTL will be able to achieve timely increases offsetting higher costs of operations.

WMTB in Decision 98829 received interim authorization to publish increases up to 7 percent. WMTB in this proceeding has requested increases to 11 percent. The additional 4 percent is subject to a public hearing at a time to be set.

Staff analysis of UTL's financial projection determined that if UTL were to take the full 7 percent authorized the WMTB participants it would realize \$287,911 in additional annual revenue. This additional revenue would result in an operating ratio of 99.2 based upon the costs UTL has projected it will be experiencing, particularly with the labor increases it will incur effective April 1, 1981.

UTL states, "(T)his proposal is not considered to be a major action significantly affecting energy efficiency within the meaning of Sections 3502.1 and 3502.2 of the Public Utilities Code."

Findings of Fact:

1. UTL is a highway common carrier operating under authority granted by this Commission in Decision 81066, Application 53065.
2. UTL seeks to transfer its tariff participation to those published by WMTB for the transportation of general commodities.
3. The transfer will enable UTL to realize increases in its rates and charges to the levels published in the WMTB tariffs.
4. UTL's rates were increased by 2 and 4 percent by Decision 92688, dated February 4, 1981 in Application 60215. to offset increased labor costs which had been experienced since October 1, 1980.
5. UTL has submitted financial data which details its need for this rate relief.
6. UTL is seeking rate increases in excess of that authorized in the WMTB tariffs in which it is seeking to participate.
7. Interim authority should be granted to UTL with a hold down on increases to the level authorized to WMTB.
8. UTL's application should be joined with WMTB's (A.60165) for a public hearing on the reasonableness of the full increase being sought.
9. Analysis of the data submitted with the application indicates that this interim increase could yield an additional \$287,911 in additional revenue to UTL.
10. Notice of the filing of the application appeared on the Commission's Daily Calendar of March 24, 1981.

11. No protests have been received.
12. Since UTL is already experiencing the increased operating costs the interim order which follows should be made effective on the date of signature.
13. Limited authority to depart from the provisions of Section 461.5 of the Public Utilities Code should be granted.
14. Limited authority to depart from the terms and rules of General Order 80-Series should be granted.
15. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law:

The proposed rates are just and reasonable, and the application should be granted to the extent set forth in the ensuing order. Notice of the following order did not appear on the Commission's public agenda as required by the Government Code. This matter is an unforeseen emergency in that the carrier will be at a competitive disadvantage with the carriers now in the tariffs in which it is seeking to participate.

IT IS ORDERED that:

1. Spear Enterprises, Inc., dba United Truck Line, is authorized to cancel its participation in tariffs issued by the Pacific Coast Tariff Bureau and have its participation added to certain tariffs published by Western Motor Tariff Bureau, Inc., Agent, as specifically proposed in the application.

2. Spear Enterprises, Inc., dba United Truck Line, is authorized to increase its rates and charges by 7 percent.

3. The 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.

4. Western Motor Tariff Bureau, Inc., Agent, in establishing and maintaining the rates authorized by this order, is 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 now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

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5. Western Motor Tariff Bureau, Inc. Agent, is authorized to depart from the Commission's tariff circular requirements only to the extent necessary in establishing the increases authorized by this order.

The effective date of this order is the date hereof.

Dated APR 7 1981, at San Francisco, California.

John E. Byrne
President
Richard D. Howell
James W. Jones
Victor Cabot
Priscilla C. Green
Commissioners