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Decision _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Don's Trucking, 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 60333
(Filed March 9, 1981)

INTERIM OPINION

By this application, Don's Trucking (Don's) seeks authority to transfer its participation from tariffs issued by Cal-West Tariff Bureau, Inc., Agent, (Cal-West), to tariffs published by Western Motor Tariff Bureau, Inc., Agent (WMTB).

Don's proposes to be made a party to the following tariffs issued by WMTB:

- a. Scope of Operations and Participating Carrier No. 100, Cal. P.U.C. No. 3;
- b. Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15;
- c. Local Freight Tariff No. 113, Cal. P.U.C. No. 19;
- d. Exception Sheet No. 1-B, Cal. P.U.C. No. 34;
- e. Participating Carrier Tariff WMT 171, Cal. P.U.C. No. 45; and
- f. Participating Carrier Tariff WMT 860, Cal. P.U.C. No. 44.

Don's by participating in the WMTB tariffs for the transportation of general commodities statewide will be able to

increase its rates by 11%^{1/}. Don's operates as a highway common carrier performing similar services and has experienced the same cost increases as the "composite group" which WMTB utilized in its exhibits supporting a need for increases (Applications (A.)59835 and 60165). WMTB, in A.60165, sought increases totaling 11%. The Commission in an interim order (Decision (D.) 98829) authorized a permissive increase of 7% for the participating carriers. The application cost-justified this amount and a hearing is to be scheduled to determine the reasonableness of the additional 4% being sought.

Don's has submitted financial data which project a loss accruing for operations performed during the calendar year 1980. Supporting the reasonableness of the increase which will accrue to Don's based upon the transfer of its tariff participation, Don's has submitted projected revenue and cost data with the full WMTB 15% increase applied. These data project an operating ratio of 96 based upon the full 15% increase being realized. The annual revenue on intrastate traffic would increase by \$69,956.

Don's states, "This proposal is not considered to be a major action significantly affecting energy efficiency within the meaning of Sections 3501.1 and 3502.2 of the Public Utilities Code."

1/

D.92256, dated September 16, 1980 in A.59835 - 4%.
D.98829, dated March 17, 1981 in A.60165 - 7%.

Findings of Fact

1. Don's is a highway common carrier operating under authority granted by this Commission in D.89575, in Case 5432, OSH 957 et al.
2. Don's seeks to transfer its tariff participation to the tariffs published by WMTB for the transportation of general commodities.
3. The transfer will enable Don's to realize increases in its rates and charges to the levels published in the WMTB tariffs.
4. Don's has submitted financial data which detail its need for this rate relief.
5. Don's is seeking rate increases in excess of that authorized in the WMTB tariffs in which it is seeking to participate.
6. Interim authority should be granted to Don's with a hold-down on increases to the level authorized to WMTB.
7. Don's application should be joined with WMTB's A.60165 for a public hearing on the reasonableness of the full increase being sought.
8. Analysis of the data submitted with the application indicates that this interim increase could yield an additional \$51,301 in annual revenue to Don's.
9. Notice of the filing of the application appeared on the Commission's Daily Calendar of March 12, 1981.
10. No protests have been received.

11. Limited authority to depart from the provisions of Public Utilities (PU) Code Section 461.5 should be granted.

12. Limited authority to depart from the terms and rules of General Order Series 80 should be granted.

13. Since Don's is already experiencing some of the increased operating costs, the interim order which follows should be made effective on the date of signature.

14. The following order has no reasonably foreseeable impact on the energy efficiency of highway carriers.

Conclusions of Law:

1. The application should be granted to the extent set forth in the ensuing order and the effective date of the order should be on the date signed because there is an immediate need for the rate relief.

2. Don's application will be joined with WMTB's A.60165 for a public hearing.

INTERIM ORDER

IT IS ORDERED that:

1. Don's Trucking is authorized to cancel its participation in tariffs issued by the Cal-West Tariff Bureau, Inc., Agent, and have its participation added to certain tariffs published by Western Motor Tariff Bureau, Inc., Agent, as specifically proposed in the application.

2. Don's Trucking is authorized to increase its rates and charges by 11%.

3. Don's Trucking's application for the additional 4% increase shall be joined with Western Motor Tariff Bureau, Inc.'s request, A.60165, which will go to public hearing.

4. 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.

5. Western Motor Tariff Bureau, Inc., Agent, in establishing and maintaining the rates authorized by this order, is authorized to depart from the provisions of PU Code Section 461.5 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.

6. 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 rates and charges authorized by this order.

7. The cancellation of applicant's participation in Cal-West
Tariff Bureau, Inc., Agent, tariff publications authorized herein
shall be concurrent with the effective date of the adoption of Western
Motor Tariff Bureau, Inc., Agent's tariff publications authorized
herein.

This order is effective today.

Dated MAY 19 1981, at San Francisco, California.

John E. Byron
President
Richard D. Gosselle
Thomas M. Gosselle
Walter C. Gosselle
Prudence C. Gosselle
Commissioners