

T/HH/WPS/WPSC

ORIGINAL

93244 JUN 16 1981

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of Apex Bulk Commodities, 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 60416
(Filed April 1, 1981)

OPINION

By this application, Apex Bulk Commodities (Apex) seeks authority to transfer its participation from Local Freight Tariff No. 1, Cal. P.U.C. No. 1 (L.F.T. 1) issued by Transport Business Service, Inc. (Transport) to Local Freight Tariff (L.F.T.) 17, Cal. P.U.C. 21 published by Western Motor Tariff Bureau, Inc., Agent (WMTB). Both tariffs name rates on cement, in bulk or in packages.

SS ✓ The rates and charges in WMTB 17 were last adjusted by Decision (D.) 92967, dated April 21, 1981. That decision authorized a 9% increase in Northern Territory rates effective May 16, 1981 and an 8% increase in Southern Territory rates effective July 1, 1981. The increases were for labor-related expenses incurred as a result of higher wage costs payable as of May 16, 1981. These increases were not granted to Transport for and on behalf of Apex and other carriers party to its cement tariff L.F.T. 1.

A. 60416 T/HH/WPS/WPSC

Staff analysis discloses that if this application is granted Apex should also be granted the increase in rates as authorized by D. 92967 as the annual report for Apex for 1980 shows an operating ratio of 99%.

Apex states that "Transport has indicated they wish to cease tariff publication and has advised its carriers to take steps to establish other tariff participation."

According to applicant, it has determined that it would be in its best interest to transfer to the cement tariff of WMTB, and a number of advantages would accrue to itself as a result.

Due to inherent differences between the tariff issued by Transport and the tariff issued by WMTB, additional increases would result from the transfer.

Apex avers that this 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.

The application was listed on the Commission's Daily Calendar of April 6, 1981. No objection to the granting of the application has been received.

Findings of Fact

1. Increases resulting from the proposal are justified.
2. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.
3. A public hearing is not necessary.

Conclusion of Law

The application should be granted as set forth in the order. This order should be effective on the date signed because there is an immediate need for rate relief.

ORDER

IT IS ORDERED that:

1. Apex Bulk Commodities, (Apex) is authorized to have its participation canceled from the cement tariff issued by Transport Business Service, Inc., Agent and to have its participation added to the cement tariff published by Western Motor Tariff Bureau, Inc., Agent, (WMTB) as specifically proposed in the application.
2. WMTB is authorized to publish for and on behalf of Apex surcharge increases in Western Motor Tariff Bureau tariff 17 as granted to various other carriers by Decision 92967, dated April 21, 1981.
3. Tariff publications authorized to be made as a result of this order 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 day of this order on not less than five days' notice to the public.
4. The cancellation of applicant's participation in the cement tariff of Transport Business Service, Inc., shall be concurrent with the effective date of the adoption of Western Motor Tariff Bureau, Inc. Agent's tariff publication.

A. 60416 T/HH/WPS/WPSC

5. The authority granted shall expire unless exercised within 90 days after the effective date of this order.

This order is effective today.

Dated JUN 16 1987, at San Francisco, California.

John G. Byron
President
Richard D. Gable
Lawrence J. Janssen
Walter C. Carter
Prudence C. Green
Commissioners