

ORIGINAL

Decision No. 65269

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Western Motor Tariff Bureau, Inc.,)	
a Corporation, for permission to)	
establish on behalf of certain of)	Application No. 45153
its member carriers a revised)	(Filed February 1, 1963)
"Exclusive Use of Carrier's Equip-)	
ment" provision.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority to publish on behalf of certain highway common carriers a rule providing rates for shipments which require full utilization of carrier's equipment.¹

The proposed rule provides for the assessment of charges based on the applicable rate on the total weight of the shipment, subject to a minimum charge per unit of equipment equivalent to the applicable truckload rate at the applicable minimum weight. Overflow freight which requires exclusive use of, but does not fill, another unit of carrier's equipment will be charged at actual weight at the applicable rate, but not less than one-half of the charge for a fully loaded unit of equipment.

The application states that the proposed new rule will be in addition to, and not in lieu of, any present rule; that applicant currently has in effect a provision governing charges when exclusive use of carrier's equipment is requested by shippers but has no rule which protects against extremely low density freight tendered without a request for the exclusive use of the equipment. The application

¹ The proposed rule is set forth in Paragraph VI of the application. Applicant proposes to establish the rule for and on behalf of all carriers participating in Western Motor Tariff Bureau, Inc., tariffs Nos. 17-A and 18-B (as further identified in the application) except four carriers which already have tariff provisions for full utilization of carrier's equipment.

states further that the proposed rule will fill a definite and legitimate need of applicant to prevent out-of-pocket losses incurred from transportation of light and bulky shipments tendered in large quantities requiring full use of one or more vehicles. Applicant alleges that the rule is not intended primarily as a revenue measure. It points out that rules identical to the one herein proposed have heretofore been approved by the Commission for publication by other competing carriers (Decision No. 64083, dated August 7, 1962, in Application No. 44478).

The verified application shows that a copy thereof was served on the California Trucking Associations, Inc., on or about January 24, 1963. No objection to the granting of the application has been received.

The Commission has heretofore considered and found justified rules identical to that herein proposed. (Decision No. 64083, supra.)

In the circumstances, it appears, and the Commission finds, that any increases in charges resulting from the application of the proposed rule are justified. A public hearing is not necessary. The application will be granted.

Good cause appearing,

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., a corporation, is hereby authorized to establish the rule proposed in Application No. 45153. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than ten days after the effective date hereof and on not less than ten days' notice to the Commission and to the public.

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

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 23rd day of April, 1963.

George F. Crow
President
John C. [unclear]
Charles W. [unclear]
Fredrick B. Holhoff
William W. [unclear]
Commissioners