

ORIGINAL

Decision No. 65845

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

INTERSTATE FREIGHT CARRIERS CONFERENCE, INC.,)
AGENT)

For permission to publish a Rule providing Rates)
for freight requiring full utilization of Carrier's)
Equipment, as more fully outlined in Exhibit "A")
hereof.)

FOR ACCOUNT OF:)

All Participating Carriers listed in Interstate)
Freight Carriers Conference, Inc., Agent,)
California Common Carrier Motor Freight Local and)
Joint Tariff No. 10, Cal. P.U.C. No. 2, that do)
not have proposed rule presently in effect for)
their account.)

AND)

AGENT C. R. NICKERSON)

For permission to publish a Rule providing Rates)
for freight requiring full utilization of Car-)
rier's Equipment, as more fully outlined in)
Exhibit "A" hereof.)

FOR ACCOUNT OF:)

All participating carriers listed in the follow-)
ing enumerated tariffs:)

- 1:-Pacific Coast Tariff Bureau Local and)
Joint Tariff No. 16, Cal. P.U.C. No. 1)
(Express) and 19 (Freight) of C. R.)
Nickerson, Agent.)
- 2:-F. S. Kohles, Agent, Local and Joint)
Express and Freight Tariff No. 9-B, Cal.)
P.U.C. No. 9, (filed in the series of)
Valley Express Co.))
- 3:-Valley Motor Lines, Inc., Local and)
Joint Freight Tariff No. 1-A, Cal. P.U.C.)
No. 30.)
- 4:-Sheedy Drayage Co., Local Freight Tariff)
No. 1, Cal. P.U.C. No. 2.)
- 5:-Callison Truck Lines, Inc., Local and Joint)
Freight Tariff No. 4, Cal. P.U.C. No. 3.)
- 6:-Southern California Freight Forwarders)
Local and Joint Freight and Express Tariff)
No. 4, Cal. P.U.C. No. 4, issued by Carroll)
J. Roush, President.)
- 7:-Merchants Express of California Tariff)
No. 2, Cal. P.U.C. No. 9, issued by W. G.)
Walkup, Jr., President.)

For an order to maintain authorized departures)
from the provisions of Article XII, Section 21 of)
the Constitution of the State of California, and)
Section 454 of the Public Utilities Code.)

Application)
No. 45284)
(Filed March)
28, 1963)

OPINION AND ORDER

By this application, Interstate Freight Carriers Conference, Inc., and C. R. Nickerson, Agents, seek authority to publish on behalf of certain highway common carriers, and such additional carriers as may become participants in applicants' tariffs in the future, a rule providing rates for shipments which require full utilization of carrier's equipment.

The proposed rule provides that when a single shipment requires the full utilization of one or more units of carrier's equipment, and equipment is used exclusively for transportation of such shipment only, the charges shall be assessed by applying the applicable class rates named in the tariff, based 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 and to other specified conditions. The proposed rule is set forth in full as Exhibit "A" of the application.

The application states that the proposed new rule will be in addition to, and not in lieu of, any present rule. The application also states that the purpose of the proposed rule is to establish compensatory charges for the transportation of shipments, which, because of their inherent transportation characteristics require the exclusive use of an entire unit of carrier's equipment, and fail to produce revenue sufficient under the existing rate structure to return to the carrier the out-of-pocket cost of performing the transportation. According to the application, the rule will serve to provide sufficient revenue to the carriers to at least cover the cost of performing the service when transporting so-called "light and bulky" articles, or transporting shipments when the shipper demands or the nature of the commodity requires exclusive use of the equipment.

No objection to the granting of the application has been received.

The Commission heretofore has found, upon consideration of applications filed by or on behalf of other highway common carriers, that rules identical to the one herein proposed, including any increases resulting therefrom, are justified.¹ In the circumstances, it appears, and the Commission finds, that any increases in charges resulting from the application of the proposed rule are justified. However, the authority herein granted may not be applied prospectively to additional carriers which may become participants in applicants' tariffs in the future, inasmuch as no public utility may raise any rate except upon a showing before the Commission (Public Utilities Code, Section 454). In this respect the application will be denied. A public hearing is not necessary.

Good cause appearing,

IT IS ORDERED that:

1. Interstate Freight Carriers Conference, Inc., Agent, and C. R. Nickerson, Agent, are hereby authorized to establish the rule proposed in Exhibit "A" of Application No. 45284. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than thirty days after the effective date hereof and on not less than thirty days' notice to the Commission and to the public.

2. Applicants' request for continuing authority to publish the proposed rule for the account of additional carriers who in the future may become parties to the tariffs herein involved is hereby denied.

¹ Decision No. 64083, dated August 7, 1962, in Application No. 44478; and Decisions Nos. 64672 and 64676, dated December 18, 1962, in Applications Nos. 44817 and 44884, respectively.

3. 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 6th day of August, 1963.

William L. Bennett
President
John L. ...
Charles W. ...
George G. Grover
Fredrick B. ...
Commissioners