

ORIGINAL

Decision No. 67436

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 permis-)
sion to establish on behalf of)
certain of its member carriers)
a revised "Exclusive Use of)
Carrier's Equipment" provision.)

Application No. 46571
(Filed April 17, 1964)

OPINION AND ORDER

Western Motor Tariff Bureau, Inc., seeks authority to establish a rule providing rates for "full utilization of carrier's equipment" in lieu of a rule naming rates for "exclusive use of carrier's equipment."¹

The proposed rule would apply when a single shipment requires the full utilization of each of one or more units of carrier's equipment or when exclusive use of carrier's equipment is requested by shipper or consignee or is required to meet the needs of special conditions. The rule would provide for the assessment of charges based on the applicable class or commodity rate named in the tariff for the total weight of the shipment subject to a minimum charge per unit of equipment based on a minimum weight that varies according to the lineal loading space of the unit of equipment utilized, and would also provide charges for overflow freight which exceeds the loaded

¹The proposed rule would be published on behalf of all carriers participating in Local and Proportional Freight Tariff No. 6, Cal.P.U.C. No. 14 (J. L. Beeler, Agent, Series) except Asbury Transportation Co., which company already has provisions in Item No. 149.5 of said tariff for "full utilization of carrier's equipment."

capacity of one or more units of carrier's equipment and only partially loads the last unit. The present rule of carriers herein involved is somewhat similar to the rule proposed herein but applies only when exclusive use of carrier's equipment is requested.

Applicant states that the proposed rule is not intended primarily as a revenue measure but as a means of limiting the out-of-pocket losses incurred in the transportation of light and bulky shipments tendered in such quantities as to require the full use of one or more vehicles. Assertedly, the present rule in the tariff offers protection to the carrier in the event the shipper requests exclusive use of carrier's equipment but does not protect the carrier against extremely low density freight when such freight is tendered by the shipper in the regular manner without exclusive use of carrier's equipment being requested.

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

As pointed out in the application, the Commission has recently approved and authorized the establishment by other competing highway common carriers of rules similar to the one herein proposed.²

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

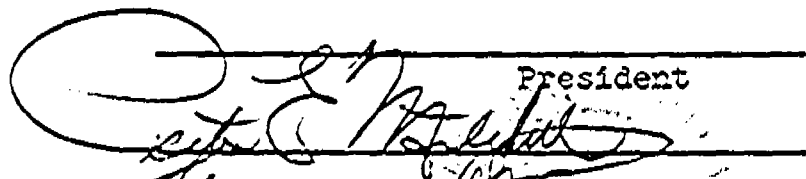
² See Decision No. 64941 dated February 13, 1963, in Application No. 44936; Decision No. 64674 dated December 18, 1962, in Application No. 44872; Decision No. 64673 dated December 18, 1962, in Application No. 44845; and Decision No. 64672 dated December 18, 1962, in Application No. 44817.

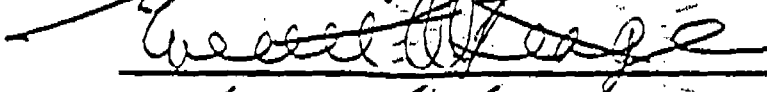
IT IS ORDERED that:


1. Western Motor Tariff Bureau, Inc., is authorized to establish the rule as proposed in Application No. 46571.
2. 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 on not less than thirty days' notice to the Commission and to the public.
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 25th day of June, 1964.



President






Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.