

Decision No. 69565

**ORIGINAL**

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 an order of the ) Application No. 47738  
Commission authorizing the transfer ) (Filed July 9, 1965)  
of certain tariff provisions from )  
issues of West Coast Freight Tariff )  
Bureau, Inc. )

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., requests, under Section 701 of the Public Utilities Code, that the Commission issue an order canceling the participation of George Nelson Yeckl and Theodore Daniel Jones, doing business as Kernville Freight Line, and Siefert Truck Service, Inc., from tariffs issued by West Coast Freight Tariff Bureau, Inc., Richard A. Bennett, Agent (Bennett).<sup>1</sup> Applicant also requests that the sought cancellation be made effective July 31, 1965, so as to be concurrently effective with tariff revisions it has filed with the Commission establishing the above carriers as participants in its tariffs.<sup>2</sup>

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<sup>1</sup> The tariffs of Bennett in which each carrier participates are described in Appendix A of the application.

<sup>2</sup> The tariffs of applicant in which each carrier participates are also described in Appendix A of the application and reflect the transfer of the operative right of George Nelson Yeckl and Theodore Daniel Jones to Robert E. Waite and Richard L. Stinson as authorized by Decision No. 68621 in Application No. 47239.

Applicant alleges that it was instructed by the carriers involved in February of this year to arrange for the transfer of their tariff provisions from tariffs issued by Bennett to tariffs issued by it and, by letters dated May 10 and 26, 1965, it informed Bennett of the proposed transfer and agreed to a common effective date of July 31, 1965, for such transfer. It is further alleged that the last communication applicant received from Bennett was dated May 24, 1965, and that outstanding powers of attorney issued by the above carriers in favor of Bennett were revoked effective August 5, 1965. Applicant avers that it has been unable to contact Bennett to complete the aforementioned transfer.

In view of the circumstances and the impending expiration date of Bennett's authority to act on behalf of the carriers herein involved, applicant declares that it was compelled to file tariffs with the Commission on behalf of such carriers to protect them against any possible lapse in tariff coverage. Applicant asserts that the cancellation of these carriers from the tariffs issued by Bennett is necessary due to the apparent inability of Bennett to perform his duties as a tariff publishing agent and the lack of a duly authorized alternate agent to act on his behalf.

The application was listed on the Commission's Daily Calendar of July 13, 1965. The certificate of service shows that a copy of the application was mailed to California Trucking Association on July 9, 1965. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that the proposed cancellation of carrier participation from the tariffs involved is justified. A public hearing is not necessary. The application, as hereinafter modified, should be granted. Inasmuch as the time element would not permit the establishment of an effective date of July 31, 1965, and the continued participation in such tariffs by the aforementioned carriers would result in minimum rate violations in some instances, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. The participation of George Nelson Yeckl and Theodore Daniel Jones, doing business as Kernville Freight Line, is hereby canceled from the following tariffs issued by West Coast Freight Tariff Bureau, Inc., Richard A. Bennett, Agent:

Exception Sheet No. 1, Cal.P.U.C. No. 3;  
Scope of Operative Rights Tariff No. 5,  
Cal.P.U.C. No. 6;  
Highway Common Carrier Local and Joint  
Freight Tariff No. 7, Cal.P.U.C. No. 8; and  
Distance Table No. 4-B, Cal.P.U.C. No. 18.

2. The participation of Siefert Truck Service, Inc., is hereby canceled from the following tariffs issued by West Coast Freight Tariff Bureau, Inc., Richard A. Bennett, Agent:

Exception Sheet No. 1, Cal.P.U.C. No. 3;  
Freight Tariff No. 2, Cal.P.U.C. No. 4;  
Scope of Operative Rights Tariff No. 5,  
Cal.P.U.C. No. 6;  
Local Freight Tariff No. 6, Cal.P.U.C. No. 7;  
Highway Common Carrier Local and Joint Freight  
Tariff No. 7, Cal.P.U.C. No. 8;  
Highway Common Carrier Local and Joint Freight  
Tariff No. 8, Cal.P.U.C. No. 9;  
Highway Common Carrier Mechanical Protective  
Service Tariff No. 10, Cal.P.U.C. No. 11;

Highway Common Carrier Territorial Directory  
No. 11, Cal.P.U.C. No. 12;  
Highway Common Carrier Local Freight Tariff  
No. 12, Cal.P.U.C. No. 15;  
Local Freight Tariff No. 13, Cal.P.U.C. No. 16; and  
Distance Table No. 4-B, Cal.P.U.C. No. 18.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of  
August, 1965.

Frederick B. Hallock  
President  
George E. Hoover  
Augustus  
William A. Bennett  
Commissioners