

**ORIGINAL**

Decision No. 69789

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor Tariff)
Bureau, Inc. under the Shortened )
Procedure Tariff Docket to publish )
for and on behalf of certain of its)
participating carriers tariff pro- )
visions resulting in increases )
because of proposed amendment to )
Bureau Cement Tariff Loading and )
Unloading provisions. )

Shortened Procedure
Tariff Docket
Application No. 47774
(Filed July 28, 1965)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority to amend certain tariff provisions relating to the assessment of charges for excess time in loading or unloading shipments of cement in bulk and in packages.

According to applicant, the current provisions permit the carriers to assess charges for excess time in loading or unloading when such excess time occurs between 8:00 a.m. and 5:00 p.m. Monday through Friday, inclusive, and on Saturdays, Sundays and holidays when the carriers are required to make deliveries on those days. It is alleged that the carriers are, from time to time, requested to make pickups or deliveries after 5:00 p.m. or before 8:00 a.m. on Mondays through Fridays, inclusive. Applicant avers that Tariff No. 17 does not provide for the assessment of charges for excess

The tariff provisions proposed to be amended are published in Item No. 2250 of Western Motor Tariff Bureau, Inc., Agent, Local Freight Tariff No. 17 (Tariff No. 17). The authority is sought for and on behalf of all carriers participating in Tariff No. 17.

time in loading or unloading after 5:00 p.m. or before 8:00 a.m. on the aforementioned days and that the carriers should be in a position to assess charges for excess time when it occurs during such periods.

Applicant states that the sought authority was the subject of its Cement Docket No. 59 and that joint consideration of the proposed publication was given by both carriers and major cement shippers at a Standing Rate Committee meeting held on May 12, 1965, at which time no shippers or carriers opposed the proposed amendment. It is further stated that, subsequent to the Standing Rate Committee meeting, a special notice was sent to all major California cement shippers advising them of applicant's intent to file a shortened procedure tariff application and requesting specifically whether or not these shippers would oppose such an application. Applicant declares that no shipper thus notified responded as being opposed and that it appears that no major cement shipper will oppose this application.

Applicant asserts that the increases resulting from the proposal herein would not increase the California intrastate gross revenue of any of the carriers involved by as much as one percent.

The application was listed on the Commission's Daily Calendar of July 29, 1965. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that publication of the tariff provisions as proposed in this application is justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., Agent, is hereby authorized to publish on behalf of carriers participating in its Western Motor Tariff Bureau, Inc., Agent, Local Freight Tariff No. 17, Cal.P.U.C. No. 21, the amendment as proposed in this application.

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 of this order on not less than thirty days' notice to the Commission and to the public.

3. The authority herein granted shall expire unless exercised within sixty 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 13<sup>th</sup> day of October, 1965.

Frederick B. Holcomb  
President  
George T. Grover  
Augustin  
William W. Dwyer

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.