

ORIGINAL

Decision No. 69826

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of)
BAY FREIGHT LINES, a corporation,)
requesting that the Commission issue)
an order cancelling participation of)
Bay Freight Lines in certain tariff)
publications of Agent Richard A.)
Bennett of West Coast Freight Tariff)
Bureau Inc., as more fully outlined)
in this Application.)

Application No. 47839
(Filed August 24, 1965)
(Amended September 10, 1965)

OPINION AND ORDER

By this application, as amended, Bay Freight Lines, a corporation, requests that the Commission issue an order canceling its participation from the tariffs of West Coast Freight Tariff Bureau, Inc., Richard A. Bennett, Agent.¹ Concurrently with the proposed cancellation, applicant seeks to become a participating carrier in certain tariffs issued by Western Motor Tariff Bureau, Inc.² Applicant proposes to publish in its own tariff certain rates, rules and regulations now shown in West Coast Freight Tariff Bureau, Inc., tariffs.³ Authority is also sought to depart from the long- and short-haul provisions of Section 460 of the Public Utilities Code in connection with certain rates and to make the tariff publications on five days' notice to the Commission and to the public.

Applicant alleges that Agent Bennett is unable to fulfill his duties as tariff publishing agent. It is averred that an alternate agent representing all of the carriers parties to Agent Bennett's

¹The tariffs are Exception Sheet No. 1, Cal.P.U.C. No. 3, Distance Table No. 4-B, Cal.P.U.C. No. 18, Scope of Operative Right Tariff No. 5, Cal.P.U.C. No. 6, Freight Tariff No. 2, Cal.P.U.C. No. 4, Mechanical Protective Service Tariff No. 10, Cal.P.U.C. No. 11, Local Freight Tariff No. 6, Cal.P.U.C. No. 7, Local Freight Tariff No. 12, Cal.P.U.C. No. 15, and Local Freight Tariff No. 13, Cal.P.U.C. No. 16.

²The tariffs are Exception Sheet No. 1-A, Cal.P.U.C. No. 18, Distance Table No. 5, Cal.P.U.C. No. 22, and Scope of Operations and Participating Carrier Tariff No. 100, Cal.P.U.C. No. 3.

³Bay Freight Lines Local Freight Tariff No. 1, Cal.P.U.C. No. 1.

publication does not exist. Applicant asserts that the sought authority is necessary to remove various violations of the Commission's minimum rate orders.

The application and amendment were listed on the Commission's Daily Calendar of August 25 and September 13, 1965, respectively. The certificate of service shows that copies of the application and amendment were mailed to interested parties on August 24 and September 10, 1965, respectively. No objection to the granting of the application, as amended, has been received.

In the circumstances, it appears, and the Commission finds, that the cancellation of carrier participation in Agent Bennett's tariffs, the carrier participation in the other tariffs involved and the amendments to applicant's individual tariff, as proposed, are justified. A public hearing is not necessary. We conclude that the application, as amended, should be granted. Inasmuch as the continued participation of applicant in the tariffs of Agent Bennett 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. Bay Freight Lines is hereby authorized to participate in the following tariffs issued by Western Motor Tariff Bureau, Inc., Agent:

Exception Sheet No. 1-A, Cal.P.U.C. No. 18;
Distance Table No. 5, Cal.P.U.C. No. 22; and
Scope of Operations and
Participating Carrier Tariff No. 100, Cal.P.U.C. No. 3.

2. Concurrently effective with the tariff filings authorized in Ordering Paragraph 1 hereof, the participation of Bay Freight Lines 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;
Distance Table No. 4-B, Cal.P.U.C. No. 18;
Scope of Operative Rights Tariff No. 5, Cal.P.U.C. No. 6;
Freight Tariff No. 2, Cal.P.U.C. No. 4;
Highway Common Carrier Mechanical Protective Service
Tariff No. 10, Cal.P.U.C. No. 11;

Local Freight Tariff No. 6, Cal.P.U.C. No. 7;
Highway Common Carrier Local Freight Tariff No. 12,
Cal.P.U.C. No. 15; and
Highway Common Carrier Local Freight Tariff No. 13,
Cal.P.U.C. No. 16.

3. Bay Freight Lines is hereby authorized to publish rates, rules and regulations in its Local Freight Tariff No. 1, Cal.P.U.C. No. 1, as proposed in Application No. 47839, as amended.

4. Bay Freight Lines is hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to make the adjustments authorized herein. Schedules containing the rates published under the authority granted in this order shall make reference to this order.

5. Tariff publications authorized to be made as a result of the order herein may be made effective not earlier than five days after the effective date hereof on not less than five days' notice to the Commission and to the public.

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

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 19th day of October, 1965.

Frederick B. Helboff
President

George C. Trover

Augustin

William W. Bernard

Commissioners

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