

ORIGINAL

Decision No. 71279

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Application of Western Motor Tariff Bureau, Inc. under the Shortened Procedure Tariff Docket to publish for and on behalf of California Motor Express Ltd. and California Motor Transport Co. tariff provisions changing the packing requirements of certain specified commodities. |) | Shortened Procedure Tariff Docket Application No. 48607 (Filed July 11, 1966) |
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OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of California Motor Express Ltd. and California Motor Transport Co., to cancel from one of its tariffs a rule pertaining to the acceptance or refusal of certain shipments.¹

The rule in question provides that the above carriers will accept shipments of cut flowers, second-hand household goods, office furniture, fixtures and equipment, musical instruments and other second-hand household equipment when not boxed nor crated. The rule also provides that the carriers may refuse shipments that, in the judgment of their forwarding agents, are liable to impregnate or damage equipment or other articles with which they may come in contact or the carriers may accept such shipments subject to delay for suitable equipment.

¹ The rule is contained in Item No. 586 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, hereinafter referred to as Tariff No. 111.

Applicant states that the carriers transport general commodities and do not maintain facilities for handling the articles involved when not properly boxed nor crated. Applicant contends that the mixing of shipments of the commodities herein involved with other articles of general freight creates a hazard to all commodities comprising such mixtures of shipments. Applicant avers that an examination of the carriers' operative rights indicates that both carriers are precluded from handling uncrated second-hand household goods and personal effects. Applicant alleges that the provisions pertaining to the handling of shipments which are liable to damage or impregnate other articles are redundant inasmuch as the carriers participate in the National Motor Freight Classification and that publication contains overlapping provisions in this regard.

Applicant asserts that the increases resulting from the cancellation of the proposed rule would not increase the California intrastate gross revenue of the carriers involved by as much as one percent.

The application was listed on the Commission's Daily Calendar of July 12, 1966. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that increases resulting from the cancellation of the rule as proposed in the application are 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., is hereby authorized to cancel the rule published on behalf of the carriers named herein as proposed in the application.

County) to Redding and all points and places within five air line miles of the intersection of Market and Yuba Streets in Redding and from Hayfork (Trinity County) to the carrier's terminal on U.S. Highway 99 eight miles south of the aforesaid intersection.

2. Tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and to the public.

3. Winans Bros. Trucking Co. is hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to maintain the established minimum rates at points intermediate between Hayfork, on the one hand, and Redding, points and places within five air line miles of the intersection of Market and Yuba Streets in Redding and the carrier's terminal on U.S. Highway 99 eight miles south of the aforesaid intersection, on the other hand. Schedules containing the rate published under this authority shall make reference to this order.

The effective date of this order shall be September 21, 1966.

Dated at San Francisco, California, this 13th day of September, 1966.

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

President
George E. Grover

Frederick E. Holoboff

William L. Bennett

Commissioners
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