

Decision No. 71716

**ORIGINAL**

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 provisions resulting in increases because of proposed publication of a standard rule for the furnishing of power equipment for loading and/or unloading.

Application No. 47845  
(Filed August 26, 1965)

ADDITIONAL APPEARANCES

(Other appearances are listed in Decision No. 70474)

A. E. Norrbon, for Traffic Managers' Conference of California, Kenneth C. Delaney for Los Angeles Chamber of Commerce, interested parties.

J. M. Jenkins, for the Commission's staff.

OPINION ON REHEARING

By this application Western Motor Tariff Bureau, Inc., seeks authority to publish a uniform tariff rule governing charges for the use of power equipment for loading or unloading shipments. The authority is sought on behalf of all carriers participating in three of applicant's tariffs.<sup>1/</sup> The proposed rule would cancel and supersede present provisions in Items Nos. 150, 410 and 423 and Paragraph B of Item No. 405 in Tariff No. 111. The proposed rule would make it clear that the rates named in the tariffs do not include loading and/or unloading by use of power equipment. The rule further provides that if power equipment is required by the shipper or consignee, the carrier will, upon request, arrange for such equipment to be furnished and the cost therefor will be shown on the transportation bill as charges advanced.

<sup>1/</sup> The tariffs are 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); Local Freight Tariff No. 106, Cal. P.U.C. No. 11 (hereinafter referred to as Tariff No. 106); and Local and Proportional and Express Tariff No. 104-A, Cal. P.U.C. No. 23 (hereinafter referred to as Tariff No. 104-A).

Decision No. 70474, dated March 22, 1966, granted the application. A timely filed petition for rehearing by the California Manufacturers Association stayed the effective date of that decision. Rehearing was granted and was thereafter held on September 27, 1966, at Los Angeles before Examiner Turpen.

At the rehearing applicant presented testimony to show that a uniform rule would result in equal treatment to all shippers. The witness for applicant pointed out that under the rule the shipper or consignee may supply the power loading equipment or lease it himself. As to those carriers now having stated hourly charges, if such charges are higher than the prevailing rental rates, the witness said, the shipper would supply or rent the equipment himself at a lower cost. On the other hand, if the tariff hourly charge is lower than the prevailing rental rates, the shipper would ask the carrier to supply the equipment, resulting in an out-of-pocket loss to the carrier. The witness said that it thus appears that the use of the hourly rates would always result in an out-of-pocket loss. It is thus clear, and we find, that any increases resulting from cancellation of the present tariff provisions naming hourly charges are justified.

The record made on rehearing contains no evidence to cause us to change our findings and conclusions set forth in Decision No. 70474. We conclude that that decision should be affirmed.

ORDER ON REHEARING

IT IS ORDERED that:

1. Decision No. 70474, dated March 22, 1966, is affirmed.

2. The effective dates of Decision No. 70474, and of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of DECEMBER, 1966.

*Arthur E. Russell* President

*Fredrick B. Holm*

*Augusta*

\_\_\_\_\_  
Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

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