

ORIGINAL

Decision No. 73441

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 M and M Trans-)	Shortened Procedure
fer Company tariff provisions resulting)	Tariff Docket
in increases because of the publication))	Application No. 49697
on behalf of M and M Transfer Company)	(Filed September 29, 1967)
of a new rule dealing with full)	
utilization of carrier's equipment.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of M and M Transfer Company (M and M), to add M and M as a participant in a rule in one of its tariffs¹ pertaining to full utilization of carrier's equipment.

Applicant states that the rule provides that, if the nature of the commodity transported is such that the equipment used cannot be, or at the shipper's option is not, loaded to its legal capacity, charges shall be assessed by applying the fifth class rate subject to minimum weights of 20,000, 36,000 and 40,000 pounds when the length of loading space in the carrier's equipment is respectively 20 feet or less, over 20 feet but not over 35 feet and over 35 feet. Applicant further states that the rule also provides that, when higher charges result under the applicable rate at actual weight of the shipment, such higher charges shall apply.

¹ The rule is set forth in Item No. 296 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15.

Applicant alleges that six other carriers participate in the aforementioned rule and that a substantial number of carriers participate in similar rules in order that they may protect themselves against the receipt of noncompensatory revenue for transportation services performed by them. Applicant avers that M and M consistently loses revenue when it is called upon to transport extremely light merchandise and that participation in the rule involved herein by this carrier would afford it with the protection that it needs.

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

The application was listed on the Commission's Daily Calendar of October 2, 1967. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that increases resulting from participation of M and M in the full-utilization-of-equipment 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., Agent, is hereby authorized to include M and M Transfer Company as a participant in Item No. 296 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. 15.

2. Tariff publications authorized to be made as a result of the order herein shall be filed not earlier than the effective date of this order and 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 granted herein shall expire unless exercised within ninety 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 5th day of December, 1967.

Richard E. Hatchell
President
William L. Bennett
Deputy
William Sproun, Jr.
Fred P. Morrissey
Commissioners