

ORIGINAL

Decision No. 73625

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor
 Tariff Bureau, Inc. under the
 Shortened Procedure Tariff
 Docket for and on behalf of
 certain of its participating
 carriers to establish a new
 minimum charge for shipment
 rule dealing with the transporta-
 tion of shipments moving on rail
 competitive rates, the publica-
 tion of which will result in
 increases.

Application No. 49450
 (Filed June 12, 1967,
 Amended October 13, 1967)

Arlo D. Poe and William J. Knoell, for
 applicant.
Norman Haley, for the Commission staff.

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc. seeks authority on behalf of all carriers participating in three of its tariffs^{1/} to publish a minimum charge per shipment rule in the three tariffs.

A public hearing was held before Examiner O'Leary at Los Angeles on December 5, 1967 with the matter being submitted upon receipt of late-filed Exhibit 1 which was filed on December 6, 1967. Evidence was presented by the general manager of applicant and by a rate expert from the Commission staff.

^{1/} Western Motor Tariff Bureau, Inc., Agent, Local and Joint Tariff No. 11, Cal. P.U.C. No. 5; Western Motor Tariff Bureau, Inc., Agent, Local and Proportional Freight Tariff No. 101, Cal. P.U.C. No. 4; Western Motor Tariff Bureau, Inc., Agent, Local, Joint, and Proportional Freight and Express Tariff No. 109, Cal. P.U.C. No. 13.

The general manager of the applicant testified that the three tariffs are publications which contain only rail competitive rates, which are rates on a lower level than the minimum rates because of favorable circumstances such as high volume, easy handling and other factors which tend to reduce the carrier's costs. While in most instances traffic transported under rail competitive rates is rather dense in nature, occasionally shipments of a light and bulky nature are transported at such rates, and carriers do not receive sufficient revenues to recover their costs of performing such transportation. The purpose of the rule is to assure the carrier of at least some minimum charge on the occasional light and bulky shipment which moves under the rates contained in the tariffs referred to herein.

The rate expert from the Commission staff testified that the rule as proposed was not clear, was subject to varying interpretations and would be difficult to enforce.

Upon hearing the staff's objections the applicant revised the proposed rule to eliminate the above problems. The proposed rule as revised is set forth in Exhibit 1. The staff has no objection to the rule as finally proposed.

After consideration, the Commission finds that the proposed rule is reasonable and that increases resulting from its publication are justified. The Commission concludes that the application should be granted as set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., is hereby authorized to publish in its Local and Joint Tariff No. 11, Cal. P.U.C. No. 5;

Local and Proportional Freight Tariff No. 101, Cal. P.U.C. No. 4; and Local, Joint, and Proportional Freight and Express Tariff No. 109, Cal. P.U.C. No. 13; on behalf of all participating carriers the minimum charge per shipment rule set forth in Exhibit 1 of Application No. 49450.

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 herein granted 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 16th day of JANUARY, 1968.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

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