

Decision No. 74208

**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 )	Shortened Procedure
for and on behalf of Arthur R. )	Tariff Docket
Altnow, dba Lodi Truck Service )	Application No. 50125
certain tariff provisions result- )	(Filed April 1, 1968)
ing in changes to that carrier's )	
present rule entitled "Delays to )	
Equipment". )	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority to publish, on behalf of Arthur R. Altnow, doing business as Lodi Truck Service (Lodi), a rule providing for the assessment of charges for delays to motor truck equipment, which occur prior to the commencement of loading and/or unloading of shipments.<sup>1</sup>

According to applicant, the above carrier's current tariff rule provides that charges for delay time shall be assessed based on the elapsed time computed from physical commencement to physical completion of the loading or unloading service. Applicant states that the carrier's equipment is being unduly delayed prior to the actual commencement of loading or unloading operations without compensation for such delays when said equipment is tendered for loading or unloading and the shipper or consignee is unable to commence the loading or unloading operations at the time of tender.

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<sup>1</sup> The proposed rule is to be contained in Item No. 252 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15.

(SPT) A. 50125 - eg

Applicant proposes generally to apply the same charges for delays occurring prior to actual commencement of loading or unloading operations as now apply for delays that occur after the commencement of such services. Applicant also proposes that these charges generally apply when the period of time between tender and actual placement of carrier's equipment exceeds 30 minutes and such delays are due to the shipper's and/or consignee's inability to accept the carrier's equipment for actual placement.

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

The application was listed on the Commission's Daily Calendar of April 2, 1968. 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 publication 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:

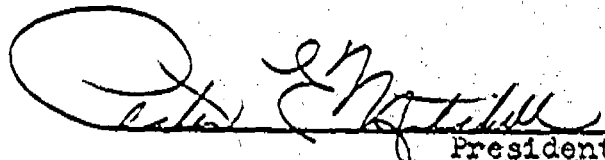

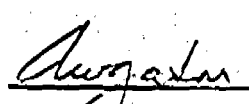
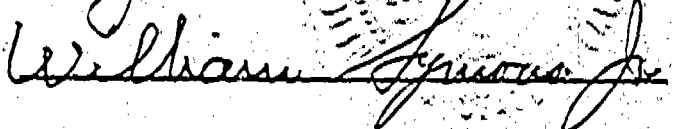
1. Western Motor Tariff Bureau, Inc., is hereby authorized to publish, on behalf of Arthur R. Altnow, doing business as Lodi Truck Service, a rule governing delay time in the loading and/or unloading of shipments as proposed in the application.

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 5<sup>th</sup>  
day of June, 1968.

  
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President  
  
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Commissioners

Commissioner Fred P. Morrissey, being necessarily absent, did not participate in the disposition of this proceeding.