

**ORIGINAL**

Decision No. 74694

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 Cargo Carriers, Inc. and La Salle Trucking Company tariff provisions resulting in increases because of the publication of a revised rule dealing with full utilization of carrier's equipment. )	)	Shortened Procedure Tariff Docket Application No. 50421 (Filed July 24, 1968)
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OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, for and on behalf of Cargo Carriers, Inc. (Cargo), and La Salle Trucking Company (La Salle), to include both carriers as participants in a new tariff rule pertaining to full utilization of carrier's equipment and concurrently to cancel their participation from the present tariff rule governing such use of equipment.<sup>1</sup>

Applicant states that the new 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 Class 35 (formerly 5th 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

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<sup>1</sup>The proposed and present tariff rules are published in Items Nos. 296 and 395 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15.

that the new rule also provides that, when higher charges result under the applicable rate at actual weight of the shipment, such higher charges shall apply.

Applicant asserts that both Cargo and La Salle are handling a relatively substantial quantity of higher cubic volume, low density freight and, because of this, full utilization of equipment by these carriers is not being achieved under the provisions of the present tariff rule.<sup>2</sup> While both rules deal with full utilization of the carrier's equipment, applicant alleges that each carrier's compensation under the present rule is considerably less than that which would be obtainable under the proposed rule. Applicant avers that the proposed rule establishes a higher minimum charge for full utilization of the carrier's equipment in connection with equipment of higher capacity. According to applicant, several other highway common carriers, who operate high capacity equipment, already are participants in the proposed rule in which Cargo and La Salle desire to participate.

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

The application was listed on the Commission's Daily Calendar of July 25, 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 participation of Cargo Carriers, Inc. and La Salle Trucking Company in the full utilization of equipment rule as proposed in the application are justified. A public hearing

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<sup>2</sup> Item No. 395 essentially provides that the carrier will not be paid any less compensation for use of a unit of its equipment than it would obtain from the transportation of a truckload shipment of the same commodity with such truckload maximum being determined either in accordance with the Governing Exception Sheet or the Governing Classification.

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 Cargo Carriers, Inc. and La Salle Trucking Company as participants in Item No. 296 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, and concurrently to cancel the participation of said carriers from Item No. 395 of that tariff 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 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 17<sup>th</sup> day of September, 1968.

William Synnott Jr.  
President  
Ed. E. [unclear]  
William L. Bennett  
Augustus  
Paul P. Monissey  
Commissioners