

ORIGINAL

Decision No. 75481

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 System 99 tariff)
provisions resulting in increases)
because of the publication of a rule)
providing for exclusive use of)
equipment.)

Shortened Procedure
Tariff Docket
Application No. 50845
(Filed January 29, 1969)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, for and on behalf of System 99, to include the carrier as a participant in a tariff rule pertaining to exclusive use of equipment.¹

Applicant states that the rule governing exclusive use of equipment, which it seeks authority to publish on behalf of System 99, is the same as that previously authorized to be published on behalf of most carriers that participate in its Tariff No. 111.² Applicant avers that the carrier is operating without the protection afforded by the proposed exclusive-use-of-equipment rule as the previous authorities applied to specific carriers participating in Tariff No. 111 and System 99 was not a participant in the tariff when such authorities were granted.

¹

The rule is set forth in Item No. 289 of Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15 (Tariff No. 111). The rule provides that upon request of the consignor, the carrier will furnish a unit of equipment, which will be devoted exclusively to the transportation of the shipment without transfer of lading and without breaking of seals if any have been applied. The rule also provides that the applicable rate for the transportation involved shall be subject to a minimum charge based on the Class 55 rate for 20,000 pounds or the Class 35 rate for 40,000 pounds when the lineal loading space of the carrier's equipment requested is "not over 28 feet" or "over 28 feet," respectively.

²

See Decisions Nos. 72632 and 74791 dated June 20, 1967, and October 8, 1968, in Applications Nos. 49282 and 50452, respectively.

Applicant declares that the charges proposed herein by System 99, for services performed when the shipper requests exclusive use of the carrier's equipment were determined after giving due consideration to the higher handling costs incurred by System 99. Applicant alleges that many times special attention or protection must be accorded to the shipments involved while awaiting physical handling at the terminal facilities of the carrier.

Applicant states that the aforementioned exclusive-unit-of-equipment rule was the subject of its Docket No. 1708 and that the matter was formally considered at a meeting of its statewide General Commodity Standing Rate Committee. Applicant avers that circularization of the proposed rule and the results of the Committee's action thereon was made to a large number of shippers and carriers and that no shippers or carriers opposed the proposed publication of such rule. According to applicant, the carrier knows of no shipper that would object to its participation in the application of the rule involved.

Applicant asserts that increases resulting from the proposal herein would not increase the California intrastate gross revenue of System 99 by as much as one percent.

The application was listed on the Commission's Daily Calendar of January 30, 1969. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that increases resulting from publication of the exclusive-use-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 System 99 as a participant in Item No. 289 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 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 25th day of March, 1969.

William S. Simon, Jr.
President
George A. ...
...
...
Commissioners

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