

ORIGINAL

Decision No. 75540

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor Tariff)	
Bureau, Inc. under Shortened Pro-)
cedure Tariff Docket to establish)	Shortened Procedure Tariff
for and on behalf of certain of its)	Docket
participating carriers tariff)	Application No. 50851
provisions resulting in increases)	(Filed January 31, 1969)
because of publication of a rule)	(Amended February 17, 1969)
pertaining to redelivery.)	
)	

OPINION AND ORDER

By this application, as amended, Western Motor Tariff Bureau, Inc., seeks authority, on behalf of nine highway common carriers, to include such carriers as participants in a rule in one of its tariffs pertaining to assessment of redelivery charges and, on behalf of three of such carriers, to cancel another rule in the tariff concerning charges for similar services.¹

Applicant proposes: (1) to assess additional rates ranging from 14½ to 159 cents per 100 pounds depending on the weight of the shipment for each further attempt by the carrier to effect delivery of a shipment when, through no fault of the carrier, it was unable to accomplish delivery in the first instance; (2) to provide that tender of the shipment shall be made during usual business hours (8:00 a.m. to 5:00 p.m.) except Saturdays, Sundays and holidays, or other business hours specified by the consignee; (3) to require that tender of a shipment

¹ The application was amended by letter dated February 14, 1969, to include Security Transportation Co. as a participant in the proceeding. The other eight carriers are listed in Appendix A attached to the application. The rules to be adopted and canceled are respectively set forth in Items Nos. 537 and 538 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).

weighing less than 10,000 pounds during usual business hours shall be considered as being accomplished when the shipment is made available to the consignee at least 30 minutes prior to the consignee's usual closing time; and (4) to provide that tender of a shipment weighing 10,000 pounds or more shall be considered as being accomplished when the shipment is made available to the consignee at least one hour before the consignee's usual closing time unless otherwise specified by the consignee.

Applicant states that the rule in which the carriers desire to participate was established for most of the carriers that are parties to Tariff No. 111 but that the carriers involved herein were not participants in the tariff at the time when the necessary authority was granted.² Applicant avers that the rule is a proper and explicit one that was developed after giving due consideration to the previously inadequate provisions dealing with redelivery. Applicant contends that many times the carriers must make deliveries involving considerable distances as they do not maintain terminals in every community in which they offer service. Applicant declares that the aforementioned rule is not a revenue rule but it is in reality a "stop loss" rule.

Applicant alleges that it is engaged in a tariff simplification program wherein a concerted attempt is being made to publish, insofar as possible, standard rules on behalf of its participating carriers and that the proposed cancellation of another rule in Tariff No. 111 pertaining to redelivery is in the interest of uniformity.

² Approximately 230 carriers currently participate in the rule. The authority was granted by Decision No. 71717 dated December 20, 1966, in Application No. 48508.

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

The application was listed on the Commission's Daily Calendar of February 3, 1969. No objection to the granting of the application, as amended, has been received.

In the circumstances, it appears, and the Commission finds, that increases resulting from publication of the amendment and cancellation of the rules as specifically proposed in the application, as amended, are justified. A public hearing is not necessary. The Commission concludes that the application, as amended, should be granted.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., Agent, is hereby authorized to include California Delivery Service, Consolidated Freightways, California Pacific Truck Lines, Inc., J.D.S. Trucking, Inc., Miles Motor Transport System, Milne Truck Lines, Inc., PCP Transportation Company, Security Transportation Co. and System 99 as participants in Item No. 537 of its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal.P.U.C. No. 15, and concurrently to cancel Item No. 538 of that tariff as proposed in the application, as amended.

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 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 24th day of April, 1969.

William Lyons Jr.
President

George A. ...

Ed R. ...

John ...
Commissioners