

Decision No. 75900

**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 establish for and on behalf of certain of its participating carriers tariff provisions resulting in increases because of the publication of a rule pertaining to storage.

Shortened Procedure Tariff Docket Application No. 51049 (Filed May 2, 1969)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., seeks authority, for and on behalf of eight carriers participating in one of its tariffs, to include such carriers as participants in a storage rule in such tariff and to cancel the current storage provisions of three of the carriers.<sup>1</sup>

Applicant states that, pursuant to Commission authority, it published the aforementioned storage rule in its Tariff No. 111 for most of the carriers that participate therein but that the carriers involved were not participants in the tariff when such authority was granted.<sup>2</sup>

1

The carriers are California Delivery Service, California Pacific Truck Lines, Inc., J. D. S. Trucking, Inc., Miles Motor Transport System, Milne Truck Lines, Inc., Nielsen Freight Lines, PCP Transportation Company and System 99. The storage rule in which these carriers desire to participate is set forth in Item No. 705 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 storage provisions proposed to be canceled are set forth in Items Nos. 730 and 740 of Tariff No. 111.

2

See Decision No. 70073 dated December 7, 1965, in Shortened Procedure Tariff Docket Application No. 47978.

Applicant avers that the rule is a proper, complete and explicit rule, which was developed by joint action of various of its member carriers under its docket procedure.<sup>3</sup> Applicant alleges that it is currently engaged in a tariff simplification program wherein a concerted effort is being made to publish standardized tariff rules on behalf of all of its participating carriers. Applicant declares that three of the carriers desire to cancel their current storage rules in the interest of uniformity and the other five carriers are presently operating without any provisions insofar as storage is concerned.<sup>4</sup> Applicant contends that the carriers should be protected against losses in revenue when they perform storage services and states that the involved storage rule is in reality a "stop-loss" rule and not a revenue rule.

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

The application was listed on the Commission's Daily Calendar of May 5, 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 the cancellation of certain storage rules and the participation of the involved carriers in another storage rule as proposed in the application are justified. A public

<sup>3</sup>

The rule provides 48 hours free time for removal of a shipment or a portion thereof from carrier's premises or equipment when the rate for the shipment is based on a minimum weight of less than 10,000 pounds and 24 hours free time when the rate for the shipment is based on a minimum weight of 10,000 pounds or more. Property held after the free time specified is subject to certain specified storage charges.

<sup>4</sup>

The three carriers are California Pacific Truck Lines, Inc., System 99 and Milne Truck Lines, Inc.

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 the eight carriers named in Appendix A of the application as participants in Item No. 705 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 Milne Truck Lines, Inc., California Pacific Truck Lines, Inc. and System 99 from Items Nos. 730 and 740 of that tariff as specifically 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 8th day of July, 1969.

William S. J. ...  
President

August ...

Frank P. Monahan

William ...

Commissioners