

Decision No. 76838

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 Hawkey Trans-)	Tariff Docket
portation, Inc. tariff provisions)	Application No. 51533
resulting in increases because of)	(Filed December 5, 1969)
publication of a rule providing for)	
full utilization of carrier's equip-)	
ment.)	

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., on behalf of Hawkey Transportation, Inc. (Hawkey), seeks authority to publish a rule in one of Hawkey's tariffs, pertaining to full utilization of the carrier's equipment.¹

Applicant proposes to assess the class or commodity rate applicable to the shipment subject to minimum weights per unit of equipment of 20,000, 36,000 and 40,000 pounds when the length of the loading space in the carrier's equipment is respectively 24 feet or less, over 24 but not over 35 feet and over 35 feet and the shipment requires full utilization of one or more units of the carrier's equipment or exclusive use of such equipment is either required to meet the needs of special conditions or requested by the shipper or consignee. Applicant also proposes to assess charges on the overflow freight, which partially loads the last

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The tariff involved is Hawkey Transportation, Inc., Local Freight Tariff No. 2, Cal.P.U.C. No. 5 (Series of Don H. Hawkey, dba Hawkey Transportation).

unit of equipment, based on the applicable rate for the entire shipment at the actual weight of such overflow freight when exclusive use of the last unit of equipment is neither required by special conditions nor requested by the shipper or consignee.

Applicant alleges that the proposed rule is similar in all respects to rules presently published in its agency publications, which apply to a great majority of the motor carriers. Applicant avers that the proposed rule would fill a definite and legitimate need of Hawkey and would prevent the carrier from incurring out-of-pocket losses in instances where full utilization of one or more units of Hawkey's equipment would be required to transport large quantities of bulky freight.

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

The application was listed on the Commission's Daily Calendar of December 8, 1969. No objection to the granting of the application has been received.

The Transportation Division staff has reviewed the application and recommends that it be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that increases resulting from the publication of the full-utilization-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., is hereby authorized, on behalf of Hawkey Transportation, Inc., to publish a rule in Local Freight Tariff No. 2, Cal.P.U.C. No. 5 (Series of Don H. Hawkey dba Hawkey Transportation), 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 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 20th day of February, 1970.

William Lyons, Jr.
President

[Signature]

Vernon L. Sturgeon
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner J. R. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.