ORIGINAL

77079 Decision No.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor Tariff Bureau, Inc., Agent, under the Shortened Procedure Tariff Docket to publish for and on behalf of participating carriers in Item No. 296 (Full Utilization of Carrier's Equipment) a provision on overflow freight, and to publish on behalf of California Cartage Company, Inc. tariff provisions resulting in increases because of publication of a revised rule dealing with full utilization of carrier's equipment.

Shortened Procedure Tariff Docket Application No. 51711 (Filed February 17, 1970)

## OPINION AND ORDER

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By this application, Western Motor Tariff Bureau, Inc. seeks authority, on behalf of various carriers, to amend a tariff rule by providing that the charges on the overflow freight, which partially loads the last trailer unit of carrier's equipment, shall be based on the applicable rate for the actual weight of such overflow freight. Applicant also seeks authority, on behalf of California Cartage Company, Inc. (Cartage), to add that carrier as a participant in this rule and concurrently to cancel Cartage's participation in a similar but less restrictive rule.

Applicant states that the rule it proposes to modify has never had any provisions concerning the assessment of charges for overflow freight and that a great deal of confusion has arisen as a result thereof. Applicant alleges that the proposed amendment of this rule would clarify the matter and compensate the carriers with additional revenue, which is needed to offset increased labor and

<sup>1</sup> The rule to be amended is set forth in Item No. 296 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). Cartage's participation would be canceled from a rule which is set forth in Item No. 395 of Tariff No. 111.

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operational costs. Applicant declares that participation of Cartage in the proposed modified rule would enable the carrier to achieve better utilization of its equipment.

Applicant avers that the proposed rule amendment was formally considered at a meeting of its General Commodity Standing Rate Committee under Docket No. 2187 on October 8, 1969. Applicant states that circularization of the proposed tariff provisions was made to various carriers and shippers and that no opposition was registered by such parties to the proposal.

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

The application was listed on the Commission's Daily Calendar of February 19, 1970. 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 proposal herein 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 cancel the participation of California Cartage Company from Item No. 395 of its Local, Joint and Proportional Freight & Express Tariff No. 111, Cal.P.U.C. No. 15, and concurrently to publish, on behalf of the carriers participating in Item No. 296 of said tariff and California Cartage Company, a revised full-utilizationof-carrier-equipment rule as specifically proposed in the application.

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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 14/17 day of April, 1970.

Commissioners

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

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