

Decision No. 84694

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of APPLICATION OF)
R. H. HINCHCLIFF FOR APPROVAL)
UNDER SECTION 496 OF THE PUBLIC)
UTILITIES CODE OF THE STATE OF)
CALIFORNIA OF AN AGREEMENT BETWEEN)
CARRIERS.)

Application No. 55609
(Filed April 8, 1975)

OPINION AND ORDER

By this application, Richard H. Hinchcliff, Secretary, National Classification Committee, on behalf of those common carriers of property in California intrastate traffic who are party to the National Classification Committee Agreement, seeks approval of said agreement under Section 496 of the Public Utilities Code.¹

Applicant states that the agreement provides for collective action by the carriers through the National Classification Committee in considering, initiating or establishing ratings and rules in National Motor Freight Classification 100 B or reissues thereof. The provisions of the agreement are set forth in Exhibit No. 1 attached to the application.

The application was listed on the Commission's Daily Calendar of April 9, 1975. No objection to the granting of the application has been received.

¹ Section 496 was added to the Public Utilities Code effective January 1, 1974. It exempts warehousemen, highway carriers, rate bureaus and shippers from antitrust statutes when their rate making processes are operated under agreements approved by the Commission. The agreement would cover approximately 292 highway carriers as well as any future highway carriers that may become a party thereto.

In the circumstances, the Commission finds that:

1. The proposed agreement is consistent with the statutory provisions and within the scope of Section 496 of the Public Utilities Code.

2. Said agreement does not pertain to pooling or division of traffic, service or earnings.

3. Said agreement provides an opportunity for shippers to be informed and to be heard concerning rate proposals in which they may have an interest.

4. Said agreement provides the free and unrestrained right of individual carriers to take independent action, either before, during or after, and contrary to, any determination arrived at under any procedure provided therein.

5. The approval of said agreement will not in any way adversely affect the public interest.

6. The agreement and the rules and procedures provided for the operation thereof are fair and reasonable and not contrary to public policy.


7. A public hearing is not necessary.

The Commission concludes that the application should be granted.

IT IS ORDERED that the agreement set forth as Exhibit No. 1 of Application No. 55609 is hereby approved.

This order shall become effective twenty days after the date hereof.

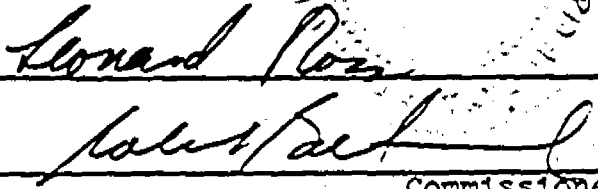
Dated at San Francisco, California, this 22nd day of July, 1975.



President



Leonard Ross



Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.