

ORIGINALDecision No. 88894 MAY 31 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of CALIFORNIA MOTOR CARRIER)
TARIFF BUREAU, INC., a California)
Corporation for approval of an)
agreement between or among)
carriers under Section 496 of)
the Public Utilities Code.)

Application No. 57922
(Filed March 13, 1978)

O P I N I O N

California Motor Carrier Tariff Bureau, Inc., a California corporation composed of sixty-eight members who are engaged in the transportation of property between points within the State, requests approval of an agreement pursuant to the provisions of Section 496 of the Public Utilities Code.

As of December 31, 1977 all members of applicant were authorized to operate in intrastate commerce pursuant to statewide radial highway common carrier permits. Because of Senate Bill 860, which abolishes the classification of radial highway common carrier, and allows all carriers holding radial permits as of December 31, 1977 to apply for highway common carrier certificates or highway contract carrier permits, it is contemplated that all of applicant's members will soon be certificated carriers subject to the provisions of Section 486 of the Public Utilities Code, requiring such carriers to file tariffs with the Commission.

Applicant was organized to meet the need of smaller carriers most of whom will for the first time be required to maintain and publish tariffs. Applicant's management is vested in a three-member board of directors, elected by the membership.

A proposal for group action may be submitted by any member or any shipper or receiver of freight who would be affected thereby. Proposals will be considered at a rate meeting within 30 days of submission. All interested parties will be given advance notice of such meetings. Final disposition of rate proposals will take place within 120 days of initial filing. A modified procedure provides for notice to interested parties informing them that the proposal will be approved unless a written objection is received within 15 days. Any member desiring to take independent action may do so upon notifying applicant who will arrange for the publication within 30 days.

It is alleged that the shipping public will realize many incidental advantages, including the following:

- a. By having the rates of a group of carriers available to them in a single tariff, shippers will not need to maintain and keep referring to a multiplicity of tariffs covering the same service, nor will they have to worry about the applicability of given rates.
- b. Shippers will be notified of all group action rate proposals, so they will be able to track and to participate in all proposed changes affecting transportation of their product.
- c. The rate stability and uniformity inherent in bureau tariffs will enable shippers to make intelligent marketing decisions and will help minimize the opportunity for preferences or discriminations being accorded a given shipper.
- d. Where carrier rates are uniform, quality of service will become the critical determinant for a shipper in awarding its traffic.

After consideration the Commission finds that the agreement entered into by applicant and its members is not prohibited by Subdivisions (d), (e), or (f) of Section 496 of the Public Utilities Code and that the agreement as well as the rules, regulations, and procedures as set forth in Exhibit 1 attached to the application are fair and reasonable and are not contrary to public policy. A public hearing is not necessary.

O R D E R

IT IS ORDERED that the agreement as set forth in Exhibit 1 attached to the application is approved.

The applicant is hereby put on notice that the rules, practices, and procedures approved by this order may be modified as a result of evidence presented in a Commission investigation (Case No. 10368) into the rules, practices, procedures, and activities of all rate bureaus operating pursuant to Public Utilities Code Section 496 agreements.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 31st day of MAY, 1978.

Robert Batjuniel
 President

William J. Quinn

Vernon L. L. L. L.

Gladys P. G.

 Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.