

ORIGINAL

Decision No. 89158 JUL 25 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
for approval under Section 496 of )  
the Public Utilities Code, of an )  
agreement between motor common )  
carriers and between said carriers )  
and CAL-WEST TARIFF BUREAU, INC., )  
and of the rules and regulations )  
and procedures of CAL-WEST TARIFF )  
BUREAU, INC. )

Application No. 58098  
(Filed May 25, 1978)

OPINION AND ORDER

By this application, the carrier participants<sup>1</sup> in Cal-West Tariff Bureau, Inc., (CWTB) and CWTB seek Commission approval under Section 496 of the Public Utilities Code<sup>2</sup> of the provisions of the agreement between said carriers and CWTB concerning the functions, operations, rules and procedures of CWTB pertaining to the establishment of rates on California intrastate traffic.

According to applicants, CWTB is a non-profit corporation which operates in a manner typical of such a business entity; it possesses a Board of 11 directors who are elected for a one-year term by members in good standing at annual meetings. The directors, at their ensuing annual organizational meetings, appoint from the Board a President, Vice President or Vice Presidents, a Secretary and a Chief Financial Officer who perform the executive functions of the Board. The Board of Directors employs a General Manager for the bureau, who as the Chief Operations Officer of the Bureau manages

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<sup>1</sup> 11 carrier participants are named in Exhibit 1 attached to the application.

<sup>2</sup> Section 496 was added to the Public Utilities Code effective January 1, 1974. It exempts warehouseman, highway carriers and rate bureaus from antitrust statutes when their rate making processes are operated under agreements approved by the Commission.

the bureau's affairs under the direction and supervision of the Board of Directors. The General Manager of the Bureau is the officer designated by the bureau to handle tariff matters with the California Public Utilities Commission.

Provisions have been made for special and regular membership meetings and rate meetings. Notices of general business meetings are sent to members and notices of rate meetings are sent to members, subscribers to CWTB tariffs and other interested parties. The rate procedures, set forth in the bureau's Rules of Procedure, provide for the calling of rate meetings to pass upon docketed proposals, informal voting on proposals which are distributed through the mail and independent action by member carriers.

Applicant states that the function of CWTB is to prepare, publish and file with this Commission and other regulatory bodies, for and on behalf of its member carriers, tariffs, related publications and rules for the transportation of property in intrastate commerce and CWTB acts through powers of attorney given to it by its member participants to perform the services previously mentioned. Applicants aver that CWTB assists and advises members in order that they may be in compliance with tariff publication and filing requirements of the Commission and other regulatory bodies and CWTB disseminates information of general interest to its members.

Applicants declare that the affairs and activities of CWTB are controlled by its member carriers and, on matters affecting rates, rules and procedures, each carrier participant of a bureau tariff affected or participating in a joint rate, is entitled to vote on the rate proposal. Each carrier member shall retain the free and unrestrained right to take independent action either before, during or after, and contrary to, any determination arrived at under any of the rate and tariff agreement procedures. On matters of policy or procedure not pertaining to tariff rates, rules or procedures, applicants allege that each member in good standing present at a meeting has one vote. Applicants state that membership is open to all motor carries authorized by the Commission to transport property between points within the State of California embraced by the Bureau's tariffs.

A. 58098 - DLL/FS/MH

Members have designated the General Manager for the bureau to act, on their behalf, as the administrative officer of CWTB as well as to control and supervise the management of CWTB pursuant to the directions of the Board of Directors. Applicants declare that the General Manager, on behalf of the carrier participants and CWTB, handles matters with the regulatory agencies and conducts such general correspondence as may be necessary pertaining to the tariffs issued by the bureau. Applicants aver that common action and the publication of a single tariff document or series of tariff documents by the involved carriers tend to reduce, in a large measure the expense to the carriers for tariff publication and filing and the savings thus accomplished tend to promote efficient service and foster sound economic transportation conditions.

The application was listed on the Commission's Daily Calendar of May 30, 1978. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that:

1. The proposed rate and tariff agreement is consistent with the statutory provisions and within the scope of Section 496 of the California Public Utilities Code.
2. Said agreement does not pertain to pooling or division of traffic, service or earnings.
3. The agreement provides an opportunity for shippers to be informed and to be heard concerning rate proposals in which they may have an interest.
4. The 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 the 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.

A. 58098 - DLL

IT IS ORDERED that the agreement set forth as Exhibit "3" of the application detailing the Articles of Incorporation, By-Laws, and Rules of Procedure of Application 58098 is hereby approved in connection with California intrastate traffic.

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

Dated at San Francisco, California, this 25<sup>th</sup> day of JULY, 1978.

Robert Bafman  
President

William G. Jones, Jr.

Young L. Sturgeon

Cleopatra G. Howell

Paul J. DeSisto  
Commissioners