

MS/FS

Decision No. 89288 AUG 22 1978

ORIGINAL

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 WESTCOAST MOTOR TARIFF BUREAU,)
INC., and the procedures of)
WESTCOAST MOTOR TARIFF BUREAU, INC.)

Application No. 58157
(Filed June 16, 1978)

OPINION AND ORDER

Westcoast Motor Tariff Bureau, Inc., a California corporation, composed of 32 members who are engaged in the transportation of property between points within California, requests approval of an agreement in accordance with the provisions of Section 496 of the Public Utilities Code.

Applicant states that each of its members operates pursuant to either a highway common carrier authority or a Radial Highway Common Carrier Permit issued by the Commission. Applicant alleges that all member carriers who presently hold, and operate pursuant to Radial Highway Common Carrier Permits intend to and will apply for Highway Common Carrier Certificates, pursuant to Section 1063.5 of the Public Utilities Code as amended. These member carriers, upon conversion of their respective permits to Certificates, will become subject to Section 486 of the Public Utilities Code, requiring them to file with this Commission and to keep open for public inspection schedules showing their rates, fares, charges and classifications for transportation services.

Applicant was organized to provide the facilities necessary for the member carriers to singularly and jointly consider, determine and have published for their account, the rates, rules and regulations

governing their transportation services, and to compile, issue, file and distribute the tariffs containing such rates, rules and regulations. Applicant's services will enable many of the member carriers, who are relatively small and unable to secure the trained personnel required to comply with the various statutory regulations applicable to them as a result of the enactment of Senate Bill 860, to comply with the law efficiently and economically.

A seven-member board of directors, elected annually by the membership, will direct the general business of applicant, and will appoint three members of the board to an Executive Committee to act for the board of directors when the board is not in session. Standing Rate Committees, consisting of not less than three or more than five members, will be elected annually by the General Rate Committee, which consists of all carriers participating in the tariff or group of tariffs for which each Standing Rate Committee is established.

Applicant's Rules of Procedure provide that proposals for group action may be submitted by any member carrier, shipper, or other party directly interested. Each such proposal will be considered at the next public docket meeting of the Standing Rate Committee, and decisions of that committee may be appealed to the General Rate Committee. Advance notice of such meetings will be given to all member carriers participating in the tariff affected and to all shippers and parties who request information concerning such tariff. An Emergency Procedure provides that the Standing Rate Committee consider and vote on a member carrier's proposal within ten days, if an emergency situation is deemed to exist. Every carrier member retains the right of independent action either before, during or after any determination under applicant's Rules of Procedure.

Applicant alleges the shipping public will realize many 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 and refer to a multiplicity of tariffs concerning the same service.
- b. Shippers will be notified of all group action regarding proposals so that they will be able to guide and participate in all proposed changes affecting transportation of their products.
- 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 discrimination being afforded a given shipper.

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 Exhibits B and C-2 attached to the application are fair and reasonable and are not contrary to public policy. A public hearing is not necessary.

IT IS ORDERED that the agreement as set forth in Exhibit B 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.

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

Dated at San Francisco, California, this 22nd day of AUGUST, 1978.

Robert Bateman
President
William S. S. S.
Vernon L. Sturgeon

Commissioners

Commissioner Richard D. Gravello, being necessarily absent, did not participate in the disposition of this proceeding.

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