

Decision No. 90181 APR 10 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor Tariff)	
Bureau, Inc., Agent, under Short-)
ened Procedure Tariff Docket to)
publish for and on behalf of all)
carriers participating in its)
Tariff No. 111, Cal. P.U.C. No. 15,)
provisions resulting in increases)
because of the publication of a)
rule covering equipment ordered)
but not used.)

Shortened Procedure
Tariff Docket
Application No. 58673
(Filed February 16, 1979)

OPINION AND ORDER

By this application, Western Motor Tariff Bureau, Inc., Agent, seeks authority to publish on behalf of its participating carriers a rule in its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15 (WMTB 111) to cover situations when carrier's equipment is ordered and dispatched but is not used by the shipper. Authorization is also sought to amend Item 50 of WMTB 111 to achieve proper interpretation by both carriers and shippers of this item.

The proposed rule (Item 485) has been discussed by the Bureau's Dry Freight Standing Rate Committee and a circulation of the proposal was made to interested shippers. The rule provides for a charge to be assessed when equipment is dispatched and upon arrival at the loading site a cancellation of the expected movement is issued by the shipper. It is applicant's position that the charge as proposed will not completely reimburse the carrier for its out-of-pocket costs. Nevertheless, applicant contends that costs are present and the shipper should absorb a portion of these costs.

Applicant alleges that the amendment to Item 50(E) will establish specific means for calculating charges when a carrier is requested to perform a service at other than normal hours of service.

Applicant alleges that a check with its participating carriers discloses that no carrier anticipates an increase in its intrastate revenues by as much as one percent (1%) as a result of the new rule or the amendment as proposed. The proposals are within the President's wage-price guidelines.

The application was listed on the Commission's Daily Calendar of February 16, 1979. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that the proposed changes are justified. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order.

IT IS ORDERED that:

1. Western Motor Tariff Bureau, Inc., Agent, on behalf of its participating carriers, is authorized to publish in its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15 the new rule and amendment to an existing item, as specifically set forth in its application.
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 five days after the effective date of this order on not less than five days' notice to the Commission and the public.
3. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

(SPT) A. 58673 - avm

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

Dated at San Francisco, California, this 10th day of APRIL, 1979.

John E. Guyon
President

Gregory L. Sturgeon

Robert D. Howell

Edward J. Padrick

Donald W. Finney
Commissioners