

Decision No. 51033 NOV 6 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor)
Tariff Bureau, Inc. under the)
Shortened Procedure Tariff Docket)
to publish, for and on behalf of)
Viking Freight System, Inc.)
provisions resulting in increases)
because of publication of a rule)
providing for full utilization)
of carrier's equipment.)

Application No. 59093
(Filed August 24, 1979)

OPINION AND ORDER

By this application Western Motor Tariff Bureau, Inc., Agent, seeks authority for and on behalf of Viking Freight Systems, Inc. (Viking) to amend Western Motor Tariff Bureau, Inc., Agent, Local, Joint and Proportional and Express Tariff No. 111, Cal. P.U.C. No. 15 (WMTB 111).

Applicant has been requested by Viking to publish an item to establish exclusive use/full utilization of equipment charges. The proposed publication is necessary to prevent an out-of-pocket loss when transporting high volume low density freight tendered in large quantities and requiring the full use of one or more units of equipment.

Viking has advised applicant that the publication of Item 315 in WMTB 111 will establish a higher minimum charge for full utilization of equipment in connection with equipment of greater capacity. The publication of Item 315 would increase Viking's yearly revenue by approximately \$10,000. This amount would not increase Viking's California intrastate revenue by as much as one percent (1%). The amount of the increase would be within the President's wage-price guidelines.

The Commission, in Decision 63234, dated February 6, 1972, stated, "when a carrier provides to a shipper full use of equipment or facilities, it has the right to just and reasonable compensation regardless of the nature of the equipment. As a general proposition, carriers should be authorized to establish minimum charges for providing the facilities and services under those conditions."

The tariff rule proposed by applicant requires clarifying modifications to prevent possible conflicts in interpreting and applying the charges. The Commission has long held, "that in tariff construction words should be employed with clear and unmistakable meaning so that no confusion or uncertainty may arise in the minds of those consulting such publications" (16 C.R.C 889). The rule, as modified, is set forth in Appendix A to the order which follows.

The application was listed on the Commission's Daily Calendar of August 27, 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 Viking Freight Systems, Inc., is hereby authorized to publish in its Local, Joint and Proportional Freight and Express Tariff No. 111, Cal. P.U.C. No. 15, the amendment as specifically set forth in Appendix A, attached hereto and by this reference made a part hereof.

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 to the public.

3. The authority granted herein shall expire unless exercised within ninety days after the effective date of this order.

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

Dated NOV 6 1979, at San Francisco, California.

John E. Byron
President

William L. Sturgeon

Robert D. Hoall

Robert A. ...

Lawrence ...
Commissioners

LOCAL, JOINT AND PROPORTIONAL FREIGHT AND EXPRESS TARIFF NO. 111

SECTION 1	RULES AND REGULATIONS	ITEM										
EXCLUSIVE USE/FULL UTILIZATION OF CARRIERS EQUIPMENT												
<p>(A) Except as otherwise provided in Paragraphs (B) and (C), when exclusive use of carrier's equipment is required or demanded by the shipper, when such demand is made to meet the needs of special conditions, or when the nature of the commodity requires the full utilization of one or more units of carrier's equipment or full utilization of the loading space, minimum weights are provided for in this Item. Transportation charges shall be assessed by applying the Class 35 rate subject to the following minimum weights and conditions:</p>												
<table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">LINEAL FEET OF LOADING SPACE IN EACH UNIT OF CARRIER'S EQUIPMENT</th> <th style="text-align: right; border-bottom: 1px solid black;">MINIMUM WEIGHT IN POUNDS</th> </tr> </thead> <tbody> <tr> <td>Not over 14 Feet.....</td> <td style="text-align: right;">10,000</td> </tr> <tr> <td>Over 14 Feet, but not over 28 Feet.....</td> <td style="text-align: right;">20,000</td> </tr> <tr> <td>Over 28 Feet, but not over 42 Feet.....</td> <td style="text-align: right;">30,000</td> </tr> <tr> <td>Over 42 Feet.....</td> <td style="text-align: right;">40,000</td> </tr> </tbody> </table>			LINEAL FEET OF LOADING SPACE IN EACH UNIT OF CARRIER'S EQUIPMENT	MINIMUM WEIGHT IN POUNDS	Not over 14 Feet.....	10,000	Over 14 Feet, but not over 28 Feet.....	20,000	Over 28 Feet, but not over 42 Feet.....	30,000	Over 42 Feet.....	40,000
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<p>(B) If higher charges will result than those provided in Paragraph (A) from the application of the actual weight of the shipment at the class rate or rates applicable thereto, then such higher charges will apply in lieu of the charges provided for in Paragraph (A).</p>												
<p>(C) Carrier reserves the right to decline acceptance of an article:</p> <ol style="list-style-type: none"> (1) weighing in excess of 16,000 pounds; (2) exceeding 6 feet by 6 feet by 18 feet, or (3) over 20 feet in length. 												
<p>(D) The shipper or consignee, or person obligated by the shipping document for payment of freight charges shall indicate on the shipping document the lineal feet of loading space in each unit of carrier's equipment, required or requested, except that in the event this indication fails to be made, the carrier or his personnel will do so on the shipping order of the bill of lading or shipping document and such notation will be considered as that of shipper, consignee or person aforementioned.</p>												
Empty space for additional rules and regulations												
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315