

*Filed, Jan 22, 1958
4:15 P.M.*

PSC 16

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of the Wisconsin Household Goods Carriers' Bureau for Modification of Rules Applicable to Intrastate Movements of Used Household Goods and Business Furniture and Fixtures)
)
) MC-1592
)
)

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Edward T. Kaveny, Secretary of the Public Service Commission of Wisconsin, do hereby certify that I have compared the annexed copy of the decision with the original decision of the Public Service Commission of Wisconsin in the above-entitled matter, now on file in the office of said Commission, and that the same is a true copy of such original decision and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Commission at its office in the City of Madison, this *21st* day of *January*, A.D. 19*58*

Edward T. Kaveny

Secretary

PUBLIC SERVICE COMMISSION OF WISCONSIN

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of the Wisconsin Household)
Goods Carriers' Bureau for Modification)
of Rules Applicable to Intrastate) MC-1592
Movements of Used Household Goods and)
Business Furniture and Fixtures)

ORDER ADOPTING AMENDMENTS TO RULES

The Wisconsin Household Goods Carriers' Bureau filed an application with the Commission on August 19, 1957 under section 194.36, Statutes, requesting modification of certain rules applicable to intrastate movements of used household goods and business furniture, fixtures, and equipment as set forth in chapter PSC 16, Wisconsin Administrative Code.

Due publication was made of the proposed rule changes in the Wisconsin Administrative Register (September 1957) in accordance with the provisions of chapter 227, Statutes.

Pursuant to due notice hearing was held on October 17, 1957 at Madison before Examiner Helmar A. Lewis.

Appearances:

Wisconsin Household Goods Carriers' Bureau by

Adolph J. Bieberstein, attorney
Madison

Of the Commission Staff:

A. W. Larson, chief, transportation department
C. E. Schreiber, supervisor
Richard V. Maves, statistics section
Ivan A. Sherman, supervisor, tariffs section

Twenty-four authorized household-goods contract motor carriers registered as being present at the hearing.

Findings of Fact

THE COMMISSION FINDS:

The applicant herein, Wisconsin Household Goods Carriers' Bureau, acting as agent for member carriers, publishes Tariff No. 2 naming long-distance rates, charges, rules, and regulations for the transportation of used household goods and used business equipment (as defined therein) in conformity with the outstanding orders of this Commission as set forth in chapter PSC 16, Wisconsin Administrative Code. The applicant proposes additions to and modifications of certain of the tariff rules, some of which require modification of the Code. Applicant specifically requests the following rule changes:

A. The said rules now carry no provision for expedited service. Petitioner requests that the following rule for expedited service be named in its tariff, to wit:

1. Expedited service as used herein means tendering delivery of a shipment of less than 4,000 pounds on or before a specified date.
2. Subject to the availability of equipment for the particular service desired, shippers may obtain expedited service on a shipment of less than 4,000 and transportation charges shall be computed on the basis of 4,000 pounds and tariff rates applicable to 4,000 pounds. The carrier shall not be required to provide exclusive use of vehicle under this paragraph.
3. Except in case of default of the shipper, in the event the shipment is not tendered for delivery on or before the delivery date, this rule shall not apply. In such case the charges for the shipment shall be subject to all other applicable rules and provisions of the tariff.

B. That Rule 13 E contained in Section 2 of Supplement 23 to said Tariff No. 2 and relating to minimum charges per shipments should be revised by striking the language "provided the carrier is allowed at least 72 hours within which to commence the movement at its convenience", which now appears in lines 4, 5, and 6 of said rule.

C. That Rule 14 A appearing under Section II of Supplement 13 of said Tariff No. 2 and relating to carrying charges should be revised to read as follows:

"When the pickup or delivery of a shipment is made from or to the second floor, or higher, when the main living or office quarters are so situated, an extra charge shall be made for such service as provided in item G-1, Section IV, except that no charge shall be made for carrying up or downstairs where there is a complete removal from, or delivery to a single family dwelling.

NOTE 1, - A Single family dwelling is a ground floor dwelling, designated for a single family, which may have a basement, a first floor consisting of usual living quarters, a second floor consisting of usual sleeping quarters, and a third floor consisting of sleeping quarters or an attic. There may be more than one such dwelling in a single building, such as a duplex."

D. That Item I of Section IV of said Tariff No. 2 relating to accessorial services and charges, and more specifically to storage in transit rates, be amended by adding thereto after the definition of "storage in transit of shipments", the following:

"The transportation charges to apply on shipments stored in transit under this rule and forwarded from warehouse will be:

- (a) The applicable tariff rate from initial point of pick up to warehouse, and
- (b) The applicable tariff rate from warehouse location to point of destination."

The proposed new rule providing for "expedited service" at a charge based on 4,000 pounds at the applicable tariff rates corresponds to the rule presently published in various interstate tariffs. The proposed rule states in part that "expedited service as used herein means tendering delivery of a shipment of less than 4,000 pounds on or before a specified date" subject to specified exceptions. The rule is considered necessary by the carriers to provide revenue considered adequate to compensate them for the movement of household goods on short notice.

Since it is the normal practice of a shipper in engaging a mover to specify a definite date for the movement of his goods, it appears that the proposed rule would establish in effect a minimum charge for all service based on the applicable rate and a minimum weight of 4,000 pounds.

Intrastate movements are normally accomplished not later than the day following the loading of the shipment; and, in many instances, shipments are loaded and unloaded on the same day. Intrastate shipments are not subject to the element of delay to the same extent as interstate shipments generally involving much longer hauls. Similar proposed rules were found unnecessary on intrastate traffic in the Commission's orders of November 29, 1951 and June 5, 1953 in docket MC-1, Sub-2. The present record does not justify authorization of the proposed rule.

Rule 13 E of Supplement 23 (now reissued in Supplement 24) to Tariff No. 2 will be modified by eliminating the wording "providing the carrier is allowed at least 72 hours within which to commence the movement at its convenience." The rule, modified as proposed herein, will provide a definite alternative charge with no possibility of misinterpretation. Publication of this tariff change does not require modification of the administrative code.

It is proposed to amend Rule 14 A of Supplement 13 to Tariff No. 2 to provide for the application of "carrying charges" when the pickup or delivery of a shipment is made to the second floor or higher in lieu of the present third floor or higher and to eliminate from the present rule the wording "or where adequate elevator service is provided." The proposed

change would not affect the present exemption for single-family dwellings. This rule has been published in accordance with section PSC 16.53 (2)(e) 1, Wisconsin Administrative Code.

Delivery of the entire shipment to the second or higher floor is much more general of late years due to the development of large multiple-dwelling units in metropolitan areas; however, the delivery of an entire shipment to the second floor would entail little or no more carrying than the delivery of a shipment to a single-family dwelling, which includes delivery to the basement, first, and second floors and sometimes to the third floor and attic. Specific carrying charges are not provided in the interstate tariffs except on pianos.

The use of elevator service in connection with deliveries to the second floor may be of little benefit to the carrier, but the evidence is not convincing that its use where available does not result in savings in time and labor to the carrier where deliveries are to the third floor or higher. The section of the code referred to above prohibits the assessment of carrying charges "where adequate elevator service is available for use." a question arises as to the interpretation of "adequate elevator service." The carriers have experienced difficulty in the use of "passenger" elevators, and such use causes inconvenience and delay to the tenants of the building. Modification of the rule to read "freight elevator service" in lieu of "adequate elevator service" would clarify the rule and eliminate much of the carrier's difficulty.

The level of rates authorized concurrently in docket MC-1591 gives consideration to the labor factor, and the proposed changes in the rule will be denied except for the modification outlined above.

Item I of Section IV of Tariff No. 2 presently authorizes a "storage in transit" privilege but fails to make specific provision as to the applicable rates. It is proposed to amend the present provisions by adding the following:

"The transportation charges to apply on shipments stored in transit under this rule and forwarded from warehouse will be:

- (a) The applicable tariff rate from initial point of pickup to warehouse, and
- (b) The applicable tariff rate from warehouse location to point of destination."

"Storage in transit" is defined in the tariff as "the holding of the shipment in the warehouse of the carrier or its agent, for storage pending further transportation and will be effected only at the specific request of the shipper." This rule is considered necessary under present economic conditions to permit the shipper to arrange with the carrier for temporary storage of his goods pending the location of permanent housing facilities. The proposed change in the tariff rule is just and reasonable and will be authorized herein.

The furnishing of "storage in transit" by household goods carriers is an accessorial service. Section PSC 16.53(2)(e) provides that charges in addition to the authorized long-distance moving rates may be provided in the carrier's tariff for certain accessorial services. Subparagraph 5 authorizes the publication of accessorial charges "for extra labor or other extra costs resulting from delays, or charges for storing goods in warehouse occasioned by the failure of the shipper to notify the mover before the shipment is made of the inaccessibility at the time of shipment, of the building to which delivery is to be made." This authorization does not specifically cover

the "storage in transit" privilege contained in the present tariff. In order to clarify this situation, section PSC 16.53 (2)(e), Wisconsin Administrative Code, accordingly will be modified by adding subparagraph 7 to read as follows:

For pickup or delivery and for storage of shipments in transit in the warehouse of the carrier or its agent pending further transportation furnished only upon written request of the shipper.

The proposed modification of tariff rules and the Wisconsin Administrative Code to the extent indicated in the above findings of fact will be just and reasonable.

Conclusion of Law

THE COMMISSION CONCLUDES:

That it has authority pursuant to the provisions of chapter 194, Wisconsin Statutes, to amend Section PSC 16.53, Wisconsin Administrative Code, as set forth in the order herein pursuant to the above findings of fact.

Order

THE COMMISSION THEREFORE ORDERS:

1. That Section PSC 16.53, (2)(e) 1, Wisconsin Administrative Code, be and the same is hereby amended and adopted to read as follows:

PSC 16.53(2)(e) 1. For the removal of goods from or to the third floor or higher where the main living or office quarters are so situated. Such charge shall not apply where there is a complete removal from or delivery to a single family dwelling or where freight elevator service is available for use.

2. That Section 16.53(2)(e), Wisconsin Administrative Code, be and the same is hereby amended by adding subparagraph 7, which is adopted to read as follows:

PSC 16.53 (2)(e) 7. For pickup or delivery and for storage of shipments in transit in the warehouse of the carrier or its agent pending further transportation furnished only upon written request of the shipper.

3. That the Wisconsin Household Goods Carriers' Bureau, Agent, be and it is hereby authorized to amend Rule 13 E of Supplement 24, Rule 14 A of Supplement 13, and Item I of Section 4 of its Household Goods Tariff No. 2 as specifically set forth in the findings of fact herein.

4. That certified copies of Sections PSC 16.53 (2)(e) 1 and PSC 16.53 (2)(e) 7, Wisconsin Administrative Code, as herein amended and adopted be sent to the Secretary of State and the Revisor of Statutes as required by Section 227.023, Statutes.

5. That in all other respects the application herein be and it is hereby denied.

6. That this order shall become effective on the first day of March, 1958, pursuant to Section 227.026, Statutes.

Dated at Madison, Wisconsin, this 31st day of December, 1957.

By the Commission.

Edward T. Kavelny
Secretary