



PUBLIC SERVICE COMMISSION OF WISCONSIN

STATE OFFICE BUILDING
MADISON 2, WISCONSIN

GEORGE P. STEINMETZ,
CHAIRMAN
NICHOLAS J. LESSELYOUNG,
COMMISSIONER
ARTHUR L. PADRUTT,
COMMISSIONER
EDWARD T. KAVENY, SECRETARY

December 17, 1956

FILE NO. MC-1566

Mr. James J. Burke
Revisor of Statutes
State Capitol
Madison, Wisconsin

Dear Sir:

Pursuant to the provisions of Sec. 227.02(1)(e), Wisconsin Statutes, we enclose herewith for publishing in the notice section of the Administrative Register, a copy of an order in docket MC-1566 dated December 14, 1956 relative to a proposed rule creating rule.

Very truly yours,

Edward T. Kaveny

Secretary

mcb

*Filed Dec 17 - 1956
11:00 AM
PSC 16.07*

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

In the Matter of Prescription of)
Rules Governing the Payment of) MC-1566
Intrastate Rates and Charges of)
Common Motor Carriers of Property)

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 *14th* day of December, A.D. 1956.

Edward T. Kaveny
Secretary

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In the Matter of Prescription of)
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ORDER PROPOSING WISCONSIN
ADMINISTRATIVE CODE RULES

The rules proposed by this order to apply to payment of common motor carrier intrastate freight rates and charges are identical to those prescribed for interstate traffic by the Interstate Commerce Commission in its order of October 1, 1937, in Docket Ex Parte MC-1, reported at 2 MCC 365. The ICC regulations have now been adopted as Part 188, Title 49 - Transportation, Code of Federal Regulations.

In 1942 these rules were voluntarily adopted by most of the individual, intrastate common motor carriers then operating in Wisconsin and were made a part of their tariff file by the execution of an adoption notice. The program of voluntary adoption of these rules by Wisconsin carriers has not been kept current due to changes in authorities resulting from assignment and adoption proceedings.

Since practically all Wisconsin common motor carriers of property also transport interstate traffic and are governed by the proposed rules with respect to interstate traffic, it appears reasonable that the same rules should be made applicable to intrastate traffic. This would provide uniformity in the rendering of freight bills, the establishment of credit, and the collection of transportation charges as between intrastate and interstate traffic.

Order

THE COMMISSION THEREFORE ORDERS:

1. That, pursuant to authority vested in the Public Service Commission by chapter 194, Statutes, the following proposed rules be published in the notice section of the Wisconsin Administrative Register:

PSC 16.07 Payment of intrastate rates and charges. (1) Upon taking precautions deemed by them to be sufficient to assure payment of the tariff charges within the credit period herein specified, common carriers by motor vehicle may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

(2) Where a common carrier by motor vehicle has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days, to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

(3) Freight bills for all transportation charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.

(4) Shippers may elect to have their freight bills presented by means of the United States mails, and when the mail service is so used the time of mailing by the carrier shall be deemed to be the time of presentation of

the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(5) The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper, may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of this section. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

2. That, according to the procedure set forth in section 227.02(1)(e), Statutes, the Public Service Commission will adopt the above proposed rules without public hearing thereon unless, within 30 days after publication of this notice, it is petitioned for a public hearing on said proposed rules by 25 persons who will be affected by the rules, a municipality which will be affected by the rules, or an association representative of a farm, labor, business, or a professional group which will be affected by the rules. If such petition is received, notice shall be given and hearing held as prescribed in sections 227.021 and 227.022, Statutes.

3. That if no petition for public hearing is received within the statutory time, the Commission will adopt section PSC 16.07, Wisconsin Administrative Code, as herein proposed, whereupon certified copies of said section shall be filed with the Secretary of State and the Revisor of Statutes, as required by section 227.023, Statutes.

Dated at Madison, Wisconsin, this 14th day of December, 1956.

By the Commission.

Edward P. Kavelny
Secretary

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