

PSC 69

Filed Nov 2-1965
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BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

STATE OF WISCONSIN)
) SS
PUBLIC SERVICE COMMISSION)

I, John F. Goetz, Acting Secretary of the Public Service Commission of Wisconsin and legal custodian of the official records of said Commission, do hereby certify under my signature and official seal of the Commission that the annexed document in docket MC-1564

relating to transportation of explosives and dangerous articles by common and contract motor carrier

was duly approved and adopted

by this Commission on November 2, 1965

I further certify that copy of the document hereto attached has been compared by me with the original on file in this Commission and that the same is a true copy thereof, and of the whole of such original.

Dated at Madison, Wisconsin

November 2, 1965

John F. Goetz
Acting Secretary

ORDER OF THE
PUBLIC SERVICE COMMISSION OF WISCONSIN
ADOPTING AMENDED RULES

Pursuant to authority vested in the Public Service Commission of Wisconsin by sections 194.02, 194.18 (9), 194.36(9), and 194.38, Wis. Stats., the Public Service Commission hereby amends rules as follows:

Section 69.02 (1), (2), and (4), of the Wisconsin administrative code, are amended to read:

PSC 69.02 (MC-1564): Transportation of explosives and dangerous articles. (1) No contract or common motor carrier shall transport any explosives and dangerous articles in intrastate commerce except in accordance with the rules and regulations contained in American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 12, MF I.C.C. No. 13, P.S.C. Wisc. No. 10, unless otherwise specifically authorized by the commission.

(2) Each contract and common motor carrier who transports any such commodity shall issue a proper intrastate concurrence in Motor Carriers' Explosives and Dangerous Articles Tariff No. 12 MF I.C.C. No. 13, P.S.C. Wisc.

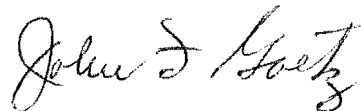
No. 10, to American Trucking Associations, Inc., Agent; and shall file a copy thereof with this commission on not less than one day's notice.

(4) Pursuant to section 227.025, Wis. Stats., the revisor of statutes and the attorney general have consented to the incorporation by reference in this section of the matter contained in the American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 12, MF I.C.C. No. 13, P.S.C. Wisc. No. 10 which can be obtained through American Trucking Associations, Inc., 1616 P Street N.W., Washington D. C. 20036 . Copies of this material are on file in the offices of the public service commission, the secretary of state, and the revisor of statutes.

The amendments contained herein shall take effect on December 1, 1965, as provided in section 227.026 (1), Wis. Stats.

Dated: *Nov. 2, 1965*

PUBLIC SERVICE COMMISSION



John F. Goetz
Acting Secretary

September 15, 1965

Mr. John F. Goetz
Acting Secretary
Public Service Commission
Hill Farms State Office Building
Madison, Wisconsin

Dear Mr. Goetz:

Re: Wisconsin Administrative Code
Section PSC 69.02

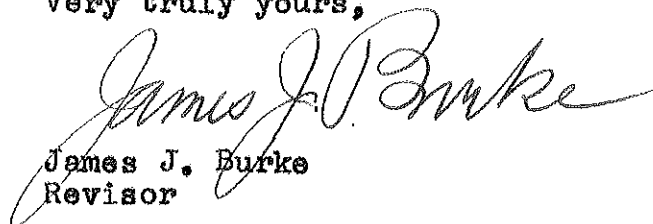
In your letter of August 3, 1965, you ask my consent and that of the Attorney General under section 227.025, Wis. Stats. for incorporation by reference in the amendment of the above rule, of the standards relating to transportation of explosives and dangerous articles contained in AMERICAN TRUCKING ASSOCIATIONS., INC. AGENT, MOTOR CARRIERS' EXPLOSIVES AND DANGEROUS ARTICLES TARIFF No. 12, MF-ICC 13, P.S.C. Wis. No. 12, effective August 22, 1965.

The history of the rule indicates that it was created in July, 1957, effective August 1, 1957; that consent of the attorney general and of the revisor of statutes for incorporation by reference of tariff No. 9 was obtained; that subsequent tariffs, Nos. 10 and 11 were incorporated by reference and that consent was obtained for these incorporations. The new tariff, No. 12, referred to above, cancels tariff No. 11.

Tariff No. 12 includes more than 600 pages of highly technical specifications for the packing and handling of dangerous articles; It appears that the rule is of limited public interest, that the tariff is readily available in published form, that the reference to the material to be incorporated is specific, and that incorporating the tariff provisions by reference would save considerable expense, and that the American Trucking Association, Inc. meets the statutory definition of a technical society or organization of recognized national standing.

I therefore consent to the incorporation by reference in the rule referred to in your letter of August 3.

Very truly yours,


James J. Burke
Revisor

JJB:dm



PUBLIC SERVICE COMMISSION OF WISCONSIN

HILL FARMS STATE OFFICE BUILDING
MADISON, WISCONSIN 53702

ARTHUR L. PADRUTT
CHAIRMAN
WALTER J. COLE
COMMISSIONER
STANLEY E. GILBERTSON
COMMISSIONER

August 3, 1965

JOHN F. GOETZ
ACTING SECRETARY

FILE NO.

The Honorable Bronson C. LaFollette
Attorney General
State Capitol
Madison, Wisconsin

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

Gentlemen:

When section PSC 69.02, Wisconsin Administrative Code, was created by Wisconsin Administrative Register July, 1957, No. 19, the Attorney General's Office, by letter of April 25, 1957, had given its consent to the Public Service Commission's incorporating by reference in a rule the standards relating to transportation of explosives and dangerous articles contained in American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 9, MF I.C.C. No. 9, P.S.C. Wisc. No. 6. The Revisor of Statutes, by communication dated May 1, 1957, had concurred in the consent of the Attorney General.

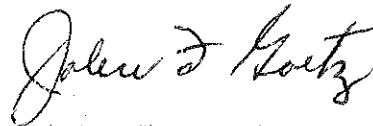
The incorporation of subsequent Tariffs Nos. 10 and 11 was consented to by the Attorney General and Revisor of Statutes by joint letters dated October 20, 1959 and August 6, 1962, respectively.

Tariff No. 11, currently cited in section PSC 69.02, is being reissued and will be cancelled by Tariff No. 12, MF I.C.C. No. 13, P.S.C. Wisc. No. 10 effective August 22, 1965. The new tariff is in accordance with the purposes of section PSC 69.02 of the Wisconsin Administrative Code.

Said section should, therefore, be amended, as provided for in section 227.02(1)(e), Wis. Stats., to make proper reference to the current tariff which will be filed with the Secretary of State and Revisor of Statutes. A draft of an order proposing such amendment is attached.

The Public Service Commission of Wisconsin accordingly asks consent under section 227.025, Wis. Stats., to incorporate by reference in section PSO 69.02 the American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 12, MF I.C.C. No. 13, P.S.C. Wisc. No. 10.

Very truly yours,

A handwritten signature in cursive script, reading "John F. Goetz".

John F. Goetz
Acting Secretary

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Investigation on Commission's Motion)
of Transportation of Explosives and) MC-1564
Dangerous Articles by Common and Con-)
tract Motor Carrier)

ORDER PROPOSING AMENDED RULE

American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 11, MF I.C.C. No. 12, P.S.C. Wisc. No. 9, currently referred to in section PSC 69.02, Wisconsin Administrative Code, will be cancelled by Tariff No. 12, MF I.C.C. No. 13, P.S.C. Wisc. No. 10, effective August 22, 1965, which incorporates material contained in Tariff No. 11 and supplements thereto, and makes current, revisions in the lists of participating carriers and changes in regulations governing the transportation of explosives and other dangerous articles as required by the Interstate Commerce Commission's order No. 67 in Docket No. 3666.

Section PSC 69.02 should be amended to substitute the new tariff for that now incorporated by reference in the present section.

Order

THE COMMISSION THEREFORE ORDERS:

THAT NOTICE BE AND HEREBY IS GIVEN That pursuant to sections 194.20, 194.18(9), 194.36(9), and 194.38, Wis. Stats., and according to the procedure set forth in section 227.02(1)(e), Wis. Stats., the Public Service Commission will amend section PSC 69.02 (1), (2), and (4) as herein proposed unless within 30 days after publication of this notice, it is petitioned for a public hearing on said proposed amendment by 25 persons who will be affected by the rule, a municipality which will be affected by the rule, or an association which is representative of a farm, labor, business or professional group which will be affected by the rule:

PSC 69.02 (MC-1564): Transportation of explosives and dangerous articles. (1) No contract or common motor carrier shall transport any explosives and dangerous articles in intrastate commerce except in accordance with the rules and regulations contained in American Truckings Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 12, MF I.C.C. No. 13, P.S.C. Wisc. No. 10, unless otherwise specifically authorized by the commission.

(2) Each contract and common motor carrier who transports any such commodity shall issue a proper intrastate concurrence in Motor Carriers' Explosives and Dangerous Articles Tariff No. 12, MF I.C.C. No. 13, P.S.C. Wisc. No. 10, to American Trucking Associations, Inc., Agent; and shall file a copy thereof with this commission on not less than one days' notice.

(4) Pursuant to section 227.025, Wis. Stats., the revisor of statutes and the attorney general have consented to the incorporation by reference in this section of the matter contained in the American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff No. 12, MF I.C.C. No. 13, P.S.C. Wisc. No. 10, which can be obtained through American Trucking Associations, Inc., 1616 P Street N.W., Washington D.C. 20036. Copies of this material are on file in the offices of the public service commission, the secretary of state, and the revisor of statutes.