

**ORIGINAL**

Decision No. 52024

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Western Classification Com- )  
mittee for approval of changes ) Application No. 36999  
in classification provisions )

Charles W. Burkett, Jr. and Wm. Meinhold, for  
George H. Dumas, Agent, Western Classification  
Committee, applicant.  
Arlo D. Poe and J. C. Kaspar, for California  
Trucking Associations, Inc.; Herman C. Kuhnert,  
for Western Motor Tariff Bureau; and Leonard V.  
Cox, for Barclay Traffic Service; interested  
parties.  
Robert A. Lane, for the Commission's staff.

O P I N I O N

George H. Dumas, as chairman of the Western Classification Committee, is agent for railroads and other common carriers in the publication and filing of classification ratings, rules and regulations governing rates published by said carriers. Class rates in Minimum Rate Tariff No. 2 and in the various drayage tariffs containing minimum rates established by the Commission are subject to ratings named in the Western Classification No. 75, Cal. P.U.C.-W.C. No. 8, of George H. Dumas, Agent. By application filed May 25, 1955, he seeks to make applicable within California reductions in carload ratings from Class 1 $\frac{1}{2}$  to 1st class on all airplane parts in boxes or crates as described in the said Western Classification. The specific items involved are Items Nos. 1300-A to 1380-A inclusive.

Public hearing was held in the instant proceeding, together with other applications<sup>1/</sup> of George H. Dumas, Agent, on October 13 and 14, 1955, before Examiner J. E. Thompson in San Francisco.

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1/ Applications Nos. 36857, 36745, 36619, 37075 and 37238.

The matter was submitted on November 3, 1955, following the filing of memoranda of points and authorities by the applicant and by the California Trucking Associations, Inc.

At the hearing and in the memoranda of points and authorities filed by the parties, issues were raised regarding the elements and factors to be shown by the applicant and considered by the Commission in matters involving a change in the Western Classification. The Commission's conclusions respecting these issues are discussed in its Decision No. 52870 dated April 10, 1956, in Application No. 36857 and need not be repeated herein. The Commission in determining the matters herein will follow its conclusions set forth in said decision.

The applicant testified in support of his proposal. He stated that a complaint had been filed with the Interstate Commerce Commission by the Aircraft Industries of America, Inc. (ICC Docket 30712). After extensive hearings the Interstate Commerce Commission found first class ratings to be appropriate for airplane parts in boxes or crates and ordered the defendant carriers to establish such rating. It is the practice of the Classification Committee whenever the Interstate Commerce Commission requires a change in rating on interstate traffic to take whatever action may be necessary to make such change applicable to intrastate traffic throughout Western Classification Territory. The applicant stated that pursuant to such practice the application has been filed with the Commission to establish the same ratings in California that apply elsewhere in the territory. Other than the above explanatory statement the applicant offered nothing in support of his application.

Evidently the applicant considers that the findings of the Interstate Commerce Commission is sufficient to support a finding of

reasonableness by this Commission. Such is not the case. The Commission must make its findings and conclusions in accordance with the provisions of the Public Utilities Code.

Upon consideration of the facts and circumstances of record the Commission is of the opinion and finds that it has not been shown that the proposed ratings provide just, reasonable and non-discriminatory minimum rates.

ORDER

Based on the evidence of record and on the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED that the application of George H. Dumas, Agent, filed May 25, 1955, in this proceeding be and it is hereby denied.

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

Dated at San Francisco, California, this 8th day of May, 1956.

Victor L. Mitchell  
President

Justus J. Caserio

Raul Vintarini

William D. Dooly

R. K. Kutz  
Commissioners