

Decision No. 56507

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
J. P. Hackler, Alternate Agent, for)
approval of changes in classifica-) Application No. 39546
tion provisions.) (First Supplemental)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 56202 of February 4, 1958, in this proceeding, authorized J. P. Hackler, Alternate Agent, Western Classification Committee, among other things, to publish the so-called "streamlined" or "modified" Rule 10 provisions governing mixed carloads in Western Classification No. 76. This rule, as authorized, has not yet been published in the Classification.

By this supplemental application, applicant asks that the prior authority be amended to authorize publication of the proposed Rule 10 with changed provisions in Section 2 thereof. As now authorized to be published, this section provides for the assessment of rates on mixed shipments of certain specified commodities by applying to the entire shipment "the straight-carload rate (not mixed carload rate) applicable to the highest classed or rated article" in the shipment. It is proposed to delete the foregoing parenthetical clause and substitute "(not mixed carload, all-commodity or all-freight rate)." It is also proposed to delete the entry "Articles on which all-commodity (all-freight) rates are applied" from the list of specified commodities subject to the foregoing provision.

Assertedly, the changes will clarify the rule and carry out the original intentions of applicant. The sought changes are of a technical nature only. In California, they would have no direct effect

on intrastate traffic inasmuch as these provisions, as proposed to be published, are now in effect as exceptions to the Classification, published in Pacific Southcoast Freight Bureau's Exception Sheet 1-S.

Relief from the long-and-short-haul provisions of the Public Utilities Code (Section 460) to publish the proposed changes is also sought in order to maintain competitive equality between the long-and-short-line carriers in California.

This supplemental application also seeks to have the effective date of Decision No. 56202 extended to enable applicant to publish the proposed provisions on both intrastate and interstate traffic with a concurrent effective date. The authority granted by Decision No. 56202, as herein amended, may be exercised at any time by applicant on statutory notice.

In view of all the circumstances, the Commission finds that applicant's proposal to publish the proposed Rule 10 with the changes here sought, including any rate increases resulting therefrom, is justified and will be granted. In addition, the sought authority to depart from the long-and-short-haul provisions of the Constitution of the State of California and of the Public Utilities Code is required and will be authorized.

Therefore, good cause appearing,

IT IS ORDERED:

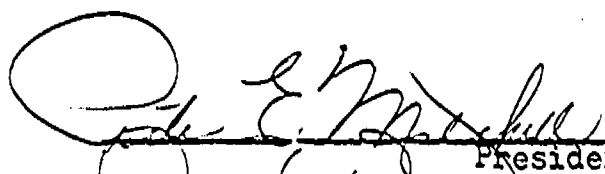
(1) J. P. Hackler, Alternate Agent, is hereby authorized to publish and file in his Western Classification No. 76, the rule changes proposed in First Supplemental Application No. 39546.

(2) That applicant is hereby authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California and from the provisions of Section 460 of the Public Utilities Code insofar as the rules and regulations authorized by this order govern nonintermediate rates.


(3) That the supplement containing the amendments to the Classification authorized to be published by Decision No. 56202 of February 4, 1958, as amended herein, shall bear a notation that the amendments are issued under authority of Decision No. 56202 and of the instant decision.

This order shall become effective twenty days after the date hereof.

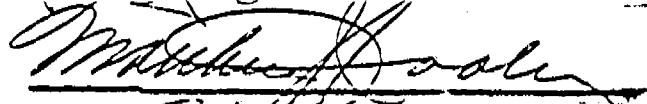
Dated at San Francisco, California, this 15th day of April, 1958.



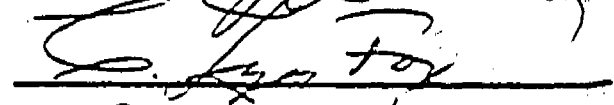
President




Commissioner



Commissioner



Commissioner



Commissioners