

ORIGINALDecision No. 60780

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 certain highway common carriers and)
 express corporations for authority) Application No. 42204
 to publish classification exception)
 ratings on various commodities at)
 levels provided by Decision 59289.)

Arlo D. Poe, J. C. Kasper and James Quintrall,
 for applicants.
M. E. Schibler, for Westinghouse Electric Corp.,
 interested party.
Burt W. Miller, for California Retailers Association,
 protestant.

O P I N I O N

By this application, as amended, some 153 highway common carriers and express corporations seek authority to publish and file in their tariffs classification exception ratings on numerous commodities higher than those presently in effect.^{1/}

Public hearing was held before Examiner Carter R. Bishop on August 11 and 18, 1960, at Los Angeles and San Francisco, respectively.^{2/}

^{1/} The names of the 153 applicants are set forth in Exhibit A of the application as amended.

^{2/} The matter was taken under submission on the latter date. Subsequently, a representative of the California Retailers Association filed with the Commission a statement of position in opposition to the granting of the application, requesting that it be received in evidence. He explained that it was impossible for him to appear at the hearing on August 18 prior to the time of submission. Copies of the statement were furnished all parties. Thereafter counsel for applicants advised that he had no objection to the "argument" portions of the statement being accepted as part of the record but objected to receipt in evidence of the "factual" portions in the absence of opportunity for cross-examination. The "argument" portions only of the statement are hereby made a part of the record.

The increased ratings herein sought are precisely the same, both as to commodities involved and the levels of the ratings, as those which some 226 other highway common carriers and express corporations were authorized to establish pursuant to Decision No. 59289, dated November 24, 1959, in Application No. 40351. The commodities for which higher ratings are sought consist of so-called "light and bulky" articles. It is alleged that the ratings presently applicable over the lines of the 153 applicants herein, as set forth in Western Classification No. 22 or in exceptions thereto, are inadequate and unreasonably low. Assertedly, the proposed increases will result in reasonable ratings.

Evidence in support of the application herein was adduced through the director of research of California Trucking Associations, Inc. He introduced a document in which were summarized the results of a study which his organization had made of the densities and values of the commodities here in issue. In this exhibit were set forth average densities, in pounds per cubic foot, and average values, in cents per pound, for each of said commodities in the kind of package and form of shipment for each as specified in the application.

The above-described study, the director testified, is precisely the same as that introduced in the hearings in Application No. 40351, and is based on the same observational data. The investigation through which said data were developed, he stated, disclosed that they were applicable to the carriers herein as well as to those embraced by Application No. 40351. No material differences in controlling classification considerations were found in operations conducted throughout the state as between the 226 carriers

parties to the earlier proceeding, on the one hand, and those now before the Commission, on the other.^{3/}

Notices of the hearings in this matter were sent to an extensive list of persons and organizations believed to be interested. At the hearings only two appearances, in addition to those made on behalf of applicants, were entered. California Retailers Association protested the granting of the sought relief on various grounds which need not be enumerated. In reaching the conclusions hereinafter set forth the Commission has given careful consideration to the arguments advanced by said Association.

As hereinbefore stated, the factual data utilized by applicants herein are the same as those which were adduced at the hearings in Application No. 40351. The relief sought herein, moreover, coincides with that found justified by the Commission for the larger group of carriers in said application. The record indicates that, with respect to controlling classification considerations, the operations conducted by the carriers involved in the instant proceeding are not materially different from those of the 226 carriers for whom increases in ratings on light and bulky articles were found justified in Decision No. 59289.

Upon consideration of all the facts and circumstances of record, the Commission is of the opinion and hereby finds, that the proposed increased classification exception ratings, together with the proposed minimum weights, have been justified. The application, as amended, will be granted.

^{3/} According to the witness, the aggregate annual California intra-state revenues of the carriers in Application No. 40351 are in excess of one quarter of a billion dollars, while the corresponding revenues of the carriers in the instant proceeding amount to less than \$25,000,000.

ORDER

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

IT IS ORDERED that:

1. Applicants, and each of them, are authorized to establish, on not less than thirty days' notice to the Commission and to the public, the increased classification ratings, and the corresponding minimum weights, as proposed in the application, as amended, filed in this proceeding.

2. Applicants, in establishing the classification ratings and minimum weights hereinabove authorized, are authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code, to the extent necessary to continue the long-and-short-haul departures now maintained under outstanding authorizations; and that such outstanding authorizations are modified only to the extent necessary to establish the classification ratings and minimum weights authorized herein.

3. The authority herein granted shall expire unless exercised within ninety days of the effective date of this order.

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

Dated at San Francisco, California, this 27th day of September, 1960.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners