

ORIGINALDecision No. 61828

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
J. P. Hackler, Tariff Publishing
Officer, for approval of changes in
classification provisions.

Applications Nos. (42835
(43002

In the Matter of the Investigation
into the rates, rules, regulations,
charges, allowances and practices of
all common carriers, highway carriers
and city carriers relating to the
transportation of any and all com-
modities between and within all points
and places in the State of California
(including, but not limited to, trans-
portation for which rates are provided
in Minimum Rate Tariff No. 2).

Cases Nos. 5432, 5435,
5441 and 5603
(Order Setting Hearing
dated February 3, 1961)

And related matters.

C. W. Burkett, E. D. Yeomans and J. W. O'Brien,
for applicant.
R. E. Campbell, for Freight Traffic Service;
Eugene A. Reed, for California Manufacturers
Association; Omar E. Pullen, for Retail
Furniture Association of California;
Arlo D. Poe, J. X. Quintrall and J. C. Kaspar,
for California Trucking Associations, Inc.;
interested parties.
John R. Laurie, for the Commission's staff.

O P I N I O N

By application filed November 7, 1960, J. P. Hackler,
Tariff Publishing Officer for the Western Classification Committee,
seeks authority to make effective on California intrastate commerce
certain changes in ratings in Western Classification No. 77. The
changes for which authority is sought are presently effective on
interstate transportation and are set forth in Supplements Nos. 11,
13, 15 and 16 of Western Classification No. 77. They cover numerous

articles and involve increases, reductions, and, in some instances, merely clarifying language.

By application filed December 27, 1960, J. P. Hackler seeks authority to make effective in California the changes in rating set forth in Supplement No. 18 which is presently effective on interstate traffic. Numerous articles are involved and the proposals contemplate increases as well as reductions.

On February 3, 1961, the Commission ordered hearings in Cases Nos. 5432, 5435, 5441 and 5603 to be held with the applications for the purpose of determining whether any changes proposed by applicant should be adopted by the Commission as minimum reasonable ratings for transportation subject to Minimum Rate Tariff No. 2, City Carriers' Tariff No. 1-A, City Carriers' Tariff No. 2-A - Highway Carriers' Tariff No. 1-A, Minimum Rate Tariff No. 5 and Minimum Rate Tariff No. 11-A. Proceedings in the applications and in the minimum rate cases were consolidated and public hearing was held March 7, 1961, before Examiner Jack E. Thompson at San Francisco.

Applicant testified concerning the circumstances and conditions which caused him to consider the changes proposed in the applications. A recitation here of the facts and circumstances regarding the justification for every one of the sought changes would unduly lengthen this opinion and would serve little purpose. There was no opposition to the granting of the authorities sought. The articles involved range from guided missiles and guided rockets to ribbon bows used for Christmas decorations. Some articles, such as cranberry canning mills and separators, have very little movement within California. On the other hand, some articles, such as furniture, make up an important portion of California intrastate

commerce. We have considered all of the proposals and find that the proposed ratings and rules are reasonable, that the increases are justified and the reductions are justified by transportation conditions.

Applicant also seeks authority to depart from the long- and short-haul provisions of Article XII, Section 21 of the Constitution of the State of California, and of Section 460 of the Public Utilities Code, in the publication of the proposed changes to the same extent as he presently has authority for such departures in connection with ratings presently maintained. The principal situations involving long- and short-haul departures are described in the applications and, after investigation, we find that such departures are justified because of competitive conditions and should be authorized.

A member of the research division of the California Trucking Associations, Inc., testified that his organization regularly obtains data regarding the transportation characteristics of freight moving by highway carrier in California and on the basis of such data was of the opinion that the facts and circumstances related by applicant also prevail in connection with the transportation of the articles by highway carrier in California. He offered an exhibit showing the densities and values of those articles involved which move in substantial quantities under class rates in California.

California Trucking Associations, Inc., and the Commission's staff urged that such proposed changes in ratings as are approved herein be adopted by the Commission to govern the minimum rates in the various minimum rate tariffs. No one opposed the adoption of the proposed ratings as minimum ratings. It was pointed out that applicant proposed canceling ratings on dog biscuits specifically set forth in Item 37100 which would result

in dog biscuits coming under Item 36230 covering animal feed, NOIBN. Assertedly, this change would result in dog biscuits enjoying the commodity rates on animal feed in Item 654½ of Minimum Rate Tariff No. 2. California Trucking Associations, Inc., and the Commission's staff asked that Minimum Rate Tariff No. 2 be amended to specifically exclude dog biscuits from the application of the commodity rates. We have examined the commodity rates and it does not appear that the cancellation of Item 37100 would have any effect upon said commodity rates.

On consideration of all of the facts and circumstances, we are of the opinion and find that the proposed classification ratings are suitable and proper to govern class rates established by the Commission as minimum rates and that the increases which will result from the establishment of the proposed ratings as minimum reasonable ratings are justified.

O R D E R

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

IT IS ORDERED:

1. That J. P. Hackler, Tariff Publishing Officer, for carriers in the Western Classification, be and he hereby is authorized to establish, on not less than ten days' notice to the Commission and to the public, the ratings proposed in his applications.

2. That the amendments in the classification ratings, rules and regulations hereinabove approved to govern tariffs of the carriers represented in the above-numbered applications are also approved to govern minimum rates, rules and regulations promulgated by the Commission in City Carriers' Tariff No. 1-A, City Carriers'

Tariff No. 2-A - Highway Carriers' Tariff No. 1-A, Minimum Rate
Tariff No. 2, Minimum Rate Tariff No. 5 and Minimum Rate Tariff
No. 11-A.

3. That common carriers in establishing and maintaining the ratings prescribed hereinabove 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 adjust the long- and short-haul departures now maintained under outstanding authorizations and that such outstanding authorizations are modified only to the extent necessary to comply with this order.

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

Dated at San Francisco, California, this 11th day of April, 1961.

Charles W. Mayo
President
W. L. Fox
George H. Hoover
Fredrick B. Bilaloff
Commissioner