

ORIGINAL

Decision No. 67364

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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 uncrated new furniture (commodities)
for which rates are provided in Minimum)
Rate Tariff No. 11-A).)

Case No. 5603
Petition for Modification
No. 19
(Filed May 21, 1964)

OPINION AND ORDER

By Petition for Modification No. 19 in Case No. 5603, California Trucking Association requests revision of Minimum Rate Tariff No. 11-A to provide for the use of Distance Table No. 5 in determining distance rates. Petitioner asks that all common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Minimum Rate Tariff No. 11-A provides rates for the transportation of uncrated new furniture. Distance rates in this tariff are governed by distances established in Distance Table No. 4. Petitioner's proposal herein is that the rates be governed instead by Distance Table No. 5.

Petitioner states that Distance Table No. 5 is new and more realistic than Distance Table No. 4. Petitioner further states that the proposal herein has been made known to shippers and carriers of uncrated new furniture, and their representatives, and that petitioner is informed and believes that the requested change is generally desired by such parties and will be in their best interest. Petitioner alleges that this is a matter which properly may be handled by ex parte action.

Copies of the verified petition were mailed to various interested parties on or about May 20, 1964. No objection to its being granted has been received.

Distance Table No. 5 was printed for service with, and by reference made a part of, Decision No. 66578 dated January 7, 1964, in Case No. 7024. It has been served upon all respondent carriers and appearances. Ordering paragraph 2 of the decision states:

"Distance Table No. 5 shall be effective February 1, 1964, but shall not be applicable to any minimum rate tariff until so ordered in a minimum rate proceeding pertaining to that minimum rate tariff."

The Commission heretofore, by ex parte orders, has made Distance Table No. 5 applicable to Minimum Rate Tariff No. 3-A (livestock)¹; Minimum Rate Tariff No. 14 (hay and related commodities)²; and Minimum Rate Tariff No. 10 (cement and related commodities shipped therewith)³. Upon consideration of the instant petition, it appears, and the Commission finds, that (1) the constructive mileages set forth in Distance Table No. 5, when applied in conjunction with Minimum Rate Tariff No. 11-A, will result in just, reasonable and nondiscriminatory minimum rates for transportation governed by the tariff; (2) the provisions of Distance Table No. 5 are, and will be, reasonable provisions for the transportation of uncrated new furniture by common carriers as defined in the Public Utilities Act; and (3) rules, regulations and distances which are maintained by the common carriers for transportation involved herein within California are, and for the future will be, unreasonable, insufficient and not justified by the actual competitive rates of

¹Decision No. 66788 dated February 11, 1964, in Case No. 5433.

²Decision No. 66625 dated January 14, 1964, in Case No. 5432.

³Decision No. 67123 dated April 21, 1964, in Case No. 5440. The change with respect to Minimum Rate Tariff No. 10 is effective July 1, 1964.

competing carriers or by the cost of other means of transportation insofar as they are lower in volume or effect than those set forth in Distance Table No. 5. A public hearing is not necessary. The petition will be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 11-A (Appendix "A" of Decision No. 50114, as amended) is further amended by incorporating therein, to become effective July 18, 1964, Fifth Revised Page 4 attached hereto and by this reference made a part hereof.

2. The basis for constructively increasing highway mileages prescribed by the Commission in Decision No. 66578 dated January 7, 1964, in Case No. 7024, is hereby adopted, established and approved as the just, reasonable and nondiscriminatory basis for computing distances for use in applying distance rates in Minimum Rate Tariff No. 11-A as hereinafter provided.

3. The rates and charges set forth in Minimum Rate Tariff No. 11-A determined under the provisions of Distance Table No. 5 and the rules and regulations governing such rates and charges are hereby established as the minimum reasonable and sufficient rates and charges to be published, assessed, charged, collected and observed by all common carriers as defined in the Public Utilities Act for the transportation of uncrated new furniture between the points for which rates are provided in the tariff.

4. Common carriers need not file with this Commission a distance table for the transportation of uncrated new furniture, but may instead publish in their tariffs the following provision to be made applicable only to distance rates for the transportation of said commodities:

"Distances to be used in connection with distance rates named herein shall be determined in accordance with Distance Table No. 5 issued by the Public Utilities Commission of the State of California."

5. Tariff publications required to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than July 18, 1964.

6. Common carriers are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

7. In all other respects said Decision No. 50114, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 10th day of June, 1964.

William W. Bennett
President
Arthur E. ...
Charles W. ...
George H. ...
Frederick B. Holdhoff
Commissioners

SECTION NO. 1 - RULES AND REGULATIONS

Item
No.

DEFINITION OF TECHNICAL TERMS

COMMISSION means the Public Utilities Commission of the State of California.

COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; any interstate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b)(8) of Part II of the Interstate Commerce Act.

DEPOT means an established freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.

DISTANCE TABLE means Distance Table No. 5.

GOVERNING CLASSIFICATION means National Motor Freight Classification A-7 (CAL) as governed by National Motor Freight Classification A-7.

INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.

MOTOR VEHICLE means any motor truck, tractor or other self-propelled highway vehicle used for transportation of property over the public highways, and any trailer, semi-trailer, dolly or other vehicle drawn thereby.

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.

SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.

SHIPMENT means a quantity of property tendered for transportation to one carrier, and delivered into the custody of the carrier at one time on one shipping document by one shipper at one point of origin for one consignee at one point of destination.

UNCRATED NEW FURNITURE means new "Furniture" as described under the heading "Furniture Group" in the Governing Classification, and lamp shades or reflectors and lamp standards or electric lamps and shades combined when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped).

UNIT OF EQUIPMENT means a single motor vehicle or more than one motor vehicle connected as a single highway train.

Change, Decision No. **67364**

EFFECTIVE JULY 18, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 45