

ORIGINAL

Decision No. 67768

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of National Motor Freight Traffic Association, Inc., Agent, for and on behalf of certain highway common carriers and express corporations, for authority to cancel participation in Western Classification No. 78, and to adopt National Motor Freight Classification A-7.

Application No. 45582

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

Case No. 5432
(Petition for Modification No. 303)

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 property in Los Angeles and Orange Counties (transportation for which rates are provided in Minimum Rate Tariff No. 5).

Case No. 5435
(Petition for Modification No. 48)

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 property in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Monterey, Napa, Santa Clara, Santa Cruz, San Benito, San Mateo, Solano and Sonoma (transportation for which rates are provided in City Carriers' Tariff No. 1-A; City Carriers' Tariff No. 2-A and Highway Carriers' Tariff No. 1-A).

Case No. 5441
(Petition for Modification No. 71)

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. 17)

ORDER OF DISMISSAL

Decision No. 66268, dated November 5, 1963, (61 Cal. P.U.C. 655), in these proceedings, adopted the National Motor Freight Classification in lieu of the Western Classification to govern the minimum rate tariffs containing class rates. By this petition, filed March 9, 1964, Northrop Architectural Systems states that the change of classifications results in the less-truckload rating on aluminum doors and frames, which it manufactures, being increased from Second Class to First Class. Petitioner alleges that this increase is unlawful as a showing to justify the increase in the rating on these commodities was not made as required by Section 454 of the Public Utilities Code. Petitioner requests that the Commission modify its order in Decision No. 66268 to require all carriers to remove the alleged unlawful increases.

In Petition for Modification No. 322 in Case No. 5432 where Technibilt Corporation sought restoration of a lower rating on market basket carts, similar allegations were made. Decision No. 67610, dated July 28, 1964, denied the Technibilt petition and discussed in great detail the record made in Decision No. 66268 and the reasoning behind the finding that the increases were justified.^{1/} The circumstances in the instant petition are similar

^{1/} Petitioner herein entered an appearance in Petition No. 322, Case No. 5432.

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and the discussion and findings in Decision No. 67610 are equally applicable here. It therefore follows that petitioner's allegations are without merit. We conclude that the petition should be dismissed.

Decision No. 67610 also outlines the steps that should be taken in seeking a change in a classification rating. Petitioner should proceed accordingly.

Therefore, good cause appearing,

IT IS ORDERED that the Petition for Modification of Decision No. 66268, filed by Northrop Architectural Systems is hereby dismissed.

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

Dated at San Francisco, California, this 25th day of AUGUST, 1964.

Fredrick B. Holaboff
President
John L. Fisher
Robert D. Regan
George T. Grover
William W. Beards
Commissioners