

ORIGINAL

Decision No. 67900

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 household goods carriers,)
common carriers, highway carriers)
and city carriers relating to the)
transportation of used household)
goods and related property.)

Case No. 5330
(Petition for Modification No. 24)
(Filed August 28, 1964)

OPINION AND ORDER

By Petition for Modification No. 24 in Case No. 5330, California Moving & Storage Association, Inc., requests revision of Minimum Rate Tariff No. 4-B 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. 4-B provides rates for the transportation of used household goods and related property. 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 inasmuch as the Commission in promulgating Distance Table No. 5 has found and determined that the mileages set forth therein provide a current and proper standard for computing distance rates in connection with intrastate (California) transportation, that no carrier or either party will be adversely affected. Ex parte action is requested.

No objection to the granting of the petition 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 has made Distance Table No. 5 applicable to Minimum Rate Tariff No. 2 (general commodities)¹; Minimum Rate Tariff No. 3-A (livestock)²; Minimum Rate Tariff No. 10 (cement and related commodities)³; Minimum Rate Tariff No. 11-A (uncrated new furniture)⁴; Minimum Rate Tariff No. 12 (motor vehicles and related items)⁵; and Minimum Rate Tariff No. 14 (hay and related commodities)⁶. Upon consideration of the instant petition, it appears, and the Commission finds, that the constructive mileages set forth in Distance Table No. 5, when applied in conjunction with Minimum Rate Tariff No. 4-B, will result in just, reasonable and nondiscriminatory minimum rates for transportation governed by the tariff. A public hearing is not necessary. The petition will be granted.

¹ Decision No. 67531 dated July 14, 1964, as amended by Decision No. 67703 dated August 11, 1964, in Case No. 5432.

² Decision No. 66788 dated February 11, 1964, in Case No. 5433.

³ Decision No. 67123 dated April 21, 1964, as amended by Decision No. 67404 dated June 16, 1964, in Case No. 5440.

⁴ Decision No. 67364 dated June 10, 1964, in Case No. 5603.

⁵ Decision No. 67566 dated July 21, 1964, in Case No. 5604.

⁶ Decision No. 66625 dated January 14, 1964, in Case No. 5432.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 4-B (Appendix C of Decision No. 65521, as amended) is further amended by incorporating therein, to become effective November 1, 1964, First Revised Page 4 and First Revised Page 8, 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. 4-B as hereinafter provided.

3. In all other respects said Decision No. 65521, 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 2nd day of September, 1964.

Frederick B. Holdcroft
President
George L. Crow
William B. Dunde
Commissioners

SECTION NO. 1 - RULES AND REGULATIONS

Item
No.DEFINITION OF TECHNICAL TERMS
(Items Nos. 5 and 10)

CARRIER means a carrier as defined in the City Carriers' Act, a radial highway common carrier or a highway contract carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods Carriers Act.

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.

CRATED PROPERTY means property securely packed in salesmen's hand sample cases, suitcases, overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).

DISTANCE TABLE means Distance Table No. 5.

FLIGHT means (1) a series of over 7 but not over 20 steps, except in a single dwelling; (2) each series of not more than 20 steps in excess of the first 20 steps, except in a single dwelling; (3) elevator service other than vehicular elevator service; (4) each 50 feet or portion thereof in excess of the first 50 feet when, through no fault of the carrier, its unit of equipment cannot be placed 50 feet or closer to a stairway or other entrance of the building or dwelling at which shipment is to be picked up or delivered.

GROUND FLOOR means (1) all floors of a single dwelling; (2) a series of not more than the first 7 steps of other buildings; (3) all floors reached by a vehicular elevator or vehicular ramp; (4) the first 50 feet from carrier's unit of equipment to a stairway or other entrance of a building or dwelling at which pickup or delivery is to be made.

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 carrier 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.

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PACKING means any accessorial service performed in preparing a shipment or any portion thereof for transportation prior to loading, except services for which rates and charges are otherwise provided in this tariff.

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent, except that (1) all locations within a radius of 50 feet from a single point, and (2) all locations within a radius of 300 feet on a single piece of property of a single consignee will be considered as one point of destination.

(Continued in Item No. 10)

Change, Decision No. 67900

EFFECTIVE NOVEMBER 1, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 13

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">CHARGES COLLECTED BY ONE CARRIER FOR ANOTHER</p> <p>When charges due a carrier are undertaken to be collected for it by another carrier a detailed statement of the charges involved shall be furnished the collecting carrier by the carrier for which the collection is to be made. Such statement shall be presented to the shipper with the freight bill submitted for payment.</p>	35
<p style="text-align: center;">PAYMENT OF COMMISSIONS</p> <p>Except where prohibited by law, commissions not to exceed five percent of the transportation charges may be paid by carriers to persons or corporations that do not operate as for-hire carriers of used household goods and other articles, as described in and for which rates are provided in this tariff. (See EXCEPTION)</p> <p>EXCEPTION: Carriers shall not pay any commission to a shipper, consignee, or the employer thereof, nor to the payer of the transportation charges.</p>	40
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>Common carrier rates may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation and for the same accessorial services, than results from the application of the rates herein provided. (See NOTE)</p> <p>NOTE.-In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p>	45
<p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Distances to be used in connection with distance rates provided herein shall be the shortest resulting mileage via any public highway route, computed in accordance with the method provided in the Distance Table.</p> <p>**</p>	50

<p style="text-align: center;">ALTERNATIVE APPLICATION OF RATES NAMED IN THIS TARIFF</p> <p>In the event two or more rates are named in this tariff for the same transportation, the lower rate shall be the minimum rate.</p>	55
<p style="text-align: center;">ACCESSORIAL CHARGES NOT TO BE OFFSET BY TRANSPORTATION CHARGES</p> <p>Accessorial charges set forth in this tariff for accessorial services not included in the rate for actual transportation shall be assessed and collected when such services are performed, regardless of the level of the transportation rate assessed. Such accessorial charges may not be waived on the basis that a higher-than-minimum transportation rate serves as an offset.</p>	60
<p>Change ** Note 1 eliminated) Decision No. 67900</p>	
<p>EFFECTIVE NOVEMBER 1, 1964</p>	
<p style="text-align: center;">Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 14</p>	