

ORIGINALDecision No. 68359

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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 No. 261
Filed April 19, 1962;
Amended April 18, 1963

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 City Carriers' Tariff No. 4, Highway Carriers' Tariff No. 5).

Case No. 5435

Petition No. 36
Filed April 19, 1962;
Amended April 28, 1963

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 within San Diego County (including transportation for which rates are provided in Minimum Rate Tariff No. 9-A)

Case No. 5439

Petition No. 27
Filed April 19, 1962;
Amended April 28, 1963

(Appearances are listed in Appendix A)

O P I N I O N

Petitioner in these matters is an association of for-hire carriers who are engaged in the moving of houses and other structures between points within southern California. By these petitions it seeks the establishment of minimum rates for said services.

Seventeen days of public hearings on the petitions were held before Examiner Abernathy at Los Angeles during the interval from September 23, 1963, through May 4, 1964. Evidence was presented by petitioner through its vice president, representatives of four house movers, a labor union representative, a certified public accountant and a tariff expert. Evidence in opposition to the petition was submitted by a house broker through a former house mover who is now in the business of buying and selling houses. The matters were taken under submission on May 11, 1964, with the filing of certain exhibits.

In general, the evidence which was presented by the four house movers' representatives deals with the circumstances which prompted the filings of the petitions in these matters. Also, said representatives described in considerable detail the various services which must be provided in moving a house from one location to another.

The evidence in these respects shows that much of the moving of houses within southern California stems from the freeway development program which has been in progress in that area since the close of World War II. Rights of way which have been acquired by the State for highway purposes must be cleared of any buildings thereon. Such buildings are either sold and relocated or are demolished. The carriers' representatives stated that because of a shortage of building materials immediately subsequent

¹ The term "house" is used herein to include other structures as well, such as garages, apartments, stores and factories.

to the close of World War II, and for a period of time thereafter, there was a substantial demand for houses that were to be moved. As a consequence the carriers were able to maintain their rates and charges at a level that enabled them to realize an adequate return from their services. More recently, however, the demand for such houses has diminished. With the lessening in demand the house movers have had to reduce their rates and charges for moving. Assertedly, the carriers' rates and charges are at or below their costs of service and it is now necessary to establish minimum rates for house moving if the services which the carriers provide for the public are to be maintained.

The moving of houses, the record shows, is a distinctive and specialized transportation service. While most commodities may be transported freely over the highways generally in vehicles normally used by for-hire motor carriers, the transportation of houses requires special equipment. The size of the streets or highways and overhead obstructions such as trees or utility lines are limiting factors. In instances where the house is too large to be transported along the available routes, it must be cut into sections and the sections moved separately. Even in instances where the house may be transported intact along the available route, trees must be trimmed and utility lines must either be cut or raised.

Much of the services of house movers consists of either preparing the house for the actual move or positioning the house

on a new foundation and performing related services after the move has been completed.² Essentially, the preparation of the house for moving consists of severing the house from its foundation, placing a cradle of timbers or steel beams under it, raising it, and placing it on dollies on which it is to be transported. Where sectioning of the house is required, including any bracing that may be necessary as a consequence, such work is done by the house mover.

In the actual moving process, a house mover must follow routes which provide the necessary clearances and which it is permitted to follow under applicable city and/or county ordinances. The moving must be performed only during designated hours - - usually after midnight, when other travel over the route of movement is relatively light. Moreover, the moving must be performed during periods when road visibility is not impaired by adverse weather conditions such as rain or fog.

At point of destination the services consist mainly of positioning the house (or the sections thereof, if cut into sections), lowering it to its new foundation and removing the cradle and dollies. In many instances the foundation is constructed (usually by others than the carrier) after delivery of the house to its new location. In such instances the house which is involved is placed temporarily upon cribbing or blocks.

² According to one of the house movers' representatives, only about 25 percent of the total services are considered by the State Board of Equalization as transportation services and taxable as such.

The permanent foundation is then constructed after which time the carrier returns and removes the cribbing and lowers the house to the foundation.

The house moving services by their nature require trained personnel and specialized equipment. The usual crew is comprised of 3 journeymen housemovers (including a truck driver) and an apprentice or junior house mover. Under prevailing labor union regulations, some 24 months of house moving experience is required before a status of journeyman house mover may be obtained. The equipment that is used is equipment which is neither required by, nor suited to, usual motor carrier transportation. Heavy duty trucks with special gearing must be used for pulling the houses. The preparation of the houses for moving requires the use of a wide variety of hand and power tools. Safety precautions require the use of pilot vehicles in addition to the trucks used in the actual moving. Safety precautions also require the use of mobile lighting systems in the moving process to warn against the hazards that a house in transit constitutes to normal traffic.

The evidence which was presented by petitioner's vice president and by the certified public accountant consists of a report on a study which they had made to ascertain the costs of the carriers' house moving services. In this study hourly costs of service (both of labor and equipment) were developed for a four man crew, and then said costs were reduced to a single man basis. Assertedly, a four man crew is the basic crew for a house moving job, although fewer or more men may be used, depending upon the size of the house to be moved. The labor costs per hour were

computed in accordance with the provisions of the applicable labor contract plus allowances for the so-called fringe benefits. In the development of equipment costs a compilation was made of the equipment of 7 of the 14 carriers that comprise petitioner association. The cost of said equipment was then determined from the carriers' books and invoices. Service lives for equipment for the purpose of computing depreciation expense were either determined in accordance with schedules of the Bureau of Internal Revenue or in accordance with the rate of replacement of equipment as determined from the carriers' records. The cost of service as thus developed by petitioner's vice president and the accountant total \$10.10 per hour.

Upon the basis of the costs thus developed petitioner seeks the designation of a rate of \$11.50 per hour as the reasonable minimum rate to be assessed for each man (including equipment) used in house moving operations.

A proposed minimum rate tariff setting forth rules and regulations to be applied in conjunction with the rate of \$11.50 per hour was submitted by the tariff expert who testified on petitioner's behalf.

Representatives of the California Trucking Association, the Transportation Division of the Commission staff, and of a broker in the buying and selling of houses, participated in the examination of petitioner's witnesses. The granting of the petition was opposed by the broker's representative.

In opposing the petition, the broker's representative argued that the Commission should not prescribe minimum rates for house moving because the actual transportation over the highway consists of only a small part of the total services involved. Assertedly, the other services are those of a building contractor and, therefore, should not be regulated by the Commission. A witness who appeared on the broker's behalf took issue with petitioner's proposal that minimum rates for house moving be established on an hourly basis. He declared that in selling a house to be moved it is necessary to know what the moving charges will be in advance of the actual movement. He said that under hourly rates this determination cannot be made with the degree of certainty that is necessary. He urged that present practices of the carriers be continued, whereby the carriers submit advance bids for moving jobs on the basis of specified amounts.

The broker's witness also disagreed with the various cost figures of petitioner's vice president. He stated he had been a house mover for 20 years prior to 1955 and has been operating since as a contractor and as a buyer and seller of houses. On the basis of his knowledge and experience in house moving he declared that in the development of equipment costs petitioner had included provision for other than necessary equipment, and that petitioner's charges for depreciation are excessive because they reflect service lives which are shorter than the service lives actually realized in the use of the equipment involved.

Petitioner's proposals for the establishment of minimum rates for house moving are made under the provisions of Section 3662 of the Public Utilities Code which state that

"The commission shall, upon complaint ... establish or approve just, reasonable, and nondiscriminatory ... minimum ... rates to be charged by any highway permit carrier for the transportation of property and for accessorial service performed by it."

Petitioner's showing is convincing that in present circumstances, and in the circumstances which reasonably may be expected to prevail during the foreseeable future, those carriers who are engaged in housemoving in southern California area (as more specifically defined hereafter) are not, and will not be, able to maintain their rates and charges at a level which will enable them to meet reasonable demands of the public for their services. We find that petitioner has shown sufficient cause for the establishment of minimum rates, rules and regulations for housemoving and that minimum rates, rules and regulations should be prescribed.

Notwithstanding the objections which were made on behalf of house brokers to hourly rates for housemoving services, it does not appear on this record that any alternative basis of rates would result both in reasonable charges to the shippers of houses and reasonable compensation for the carriers. We find that in establishing minimum rates for house moving the rates should be prescribed on an hourly basis.

The record, however, does not justify prescription of a minimum rate of as much as \$11.50 per hour as petitioner seeks.

Petitioner's showing of the costs of service duplicates some costs and overstates or misstates others. The following examples are illustrative: In his compilation of costs petitioner's vice president included as a representative cost a charge for a hydraulic jack unit which is used by only one carrier. Since the other carriers operate without said unit, the inclusion of a charge therefor in addition to the allowances for equipment normally used by the other carriers results in an overstatement of costs. In computing depreciation costs the vice president duplicated costs by including allowances for tools in sets and tools individually. Some items were represented as normally necessary for a four-man crew, whereas the evidence with respect to those items shows that such is not the case. Vehicle repair costs were overstated in part by the charging to expense of amounts that should have been capitalized. Taxes were overstated by the inclusion of an allowance for taxes on services which are not taxed. Also, the allowance for profit which petitioner seeks appears excessive from a minimum rate standpoint. The ratio of the costs as developed by petitioner to the sought rate of \$11.50 per hour is 87 percent. In general, ratios which have been approved heretofore in proceedings involving the establishment of minimum rates range upwards from about 92 percent. The showing on this record does not support a finding that rates as high as those which would result in a ratio of 87 percent between the costs of service and the rates is necessary in order that the rate be reasonable as minimum.

The infirmities of petitioner's showing must be weighed against the petitioner. Taking such infirmities into account and making due allowance therefor, we find that a rate of \$10.35 per man (and equipment) per hour has been shown to be reasonable as a minimum rate for the moving of houses. Said rate will be prescribed by the Order hereinbelow.

The tariff rules and regulations which the tariff expert for petitioner proposed appear reasonable with various exceptions. The principal exceptions relate to the area for which minimum rates for house moving should apply; to the basis for computing the time for which the hourly rates should be assessed; to the rates to be charged when the house that is moved includes contents such as miscellaneous household goods and effects, and to the form of the contract to be entered into between the carrier and shipper. In other respects the exceptions entail changes in the proposed provisions which are minor in effect and which should be made mainly for the purposes of clarification or definiteness. Discussion of the latter group of exceptions is not necessary.

With reference to the area for which minimum rates for house moving should be established, petitioner originally asked that minimum rates be made applicable to that portion of southern California which lies south of the northern boundaries of San Luis Obispo, Kern and San Bernardino Counties. At the hearings on its proposals, however, petitioner modified its request to exclude Kern County. This modification was made as a consequence of opposition of house movers in Kern County to the establishment of minimum rates for house moving in that county. Petitioner also excluded

San Diego County from the area for which it seeks minimum rates. As to the remaining area, the record shows that with the exception of one carrier who is domiciled in Ontario, all of the carriers who are represented by petitioner are domiciled in the Los Angeles metropolitan area, and that the houses which are moved by all of said carriers are transported mainly between or from points within the metropolitan portions of Los Angeles, Orange, Riverside and San Bernardino Counties. Since the carriers perform relatively little service between points which are outside of the above-described portions of said Counties, the need for minimum rates between points outside of the carriers' principal service area has not been established.³ The territorial application of the rates to be prescribed hereinafter will be limited accordingly.

Petitioner's proposals with respect to the time for which the minimum rates would be charged include an allowance of two hours per man for travel time in going to and from a job.⁴ The allowance was based upon a study of travel time purporting to show that the carriers pay for at least two hours' time per man in connection with each trip per man to and from a house that is to be moved or is being moved. The record also shows, however, that the carriers are

³ A few of the carriers represented by petitioner perform some services in San Luis Obispo County. The services are performed mainly for the United States Government.

⁴ The charge for travel time would apply for each trip per man to and from the job.

not required under their labor contract to pay for travel time except in specified instances. An allowance of two hours' travel time per man per shipment appears to be more consistent with the time which the carriers are actually obligated to pay for as travel time. Such allowance will be adopted as reasonable.

Another adjustment which should be made in the basis for computing the time for which the rates would apply involves the periods for which the rates should reflect labor costs at straight time and premium time, respectively. Petitioner proposed that for service between the hours of 8:00 a.m. and 5:00 p.m. the hourly rate to be assessed should be that which is based on straight time labor rates. During other hours the hourly rate would be based upon premium labor rates. Petitioner's proposal with respect to labor which is performed at straight time rates is more restrictive than the labor contract under which the carriers operate. Said contract specifies that the straight time rate applies between the hours of 6:00 a.m. and 6:00 p.m. instead of between 8:00 a.m. and 5:00 p.m. The basis for computing time which is adopted hereinafter, will reflect the provisions of the labor contract as nearly as practicable.

The question pertaining to the rates to be assessed for the transportation of any contents of a house that are moved along with the house arises from the fact that from a technical standpoint the transportation of such contents already is subject to minimum rates that have been prescribed heretofore by the Commission. Petitioner's proposals with respect to such movements are that if

the commodities which are involved are now subject to the Commission's Minimum Rate Tariffs Nos. 2 or 4-B, the minimum rates which are prescribed in those tariffs should continue to apply. In other respects, however, petitioner proposed that the contents be considered as part of the house and transported under the minimum rates that apply to the house itself.

The record shows that houses which are to be moved are usually empty when tendered to a carrier. Where some items are left in a house, they are mainly of a miscellaneous nature. Obviously, the transportation of such items as part of house moving is performed under substantially different circumstances than those which apply to the transportation of general commodities or to used household goods. Compliance by house movers with the minimum rate provisions for the transportation of general commodities or of used household goods would be very difficult if not impracticable. We are of the opinion that the transportation in question is not of sufficient consequence to justify different provisions therefor than those which would apply to the house moving services under consideration herein. Until further order thereon, the transportation of contents of a house which is performed as an incidental service to the moving of the house involved will be considered as part of the transportation of the house itself. Such transportation will be exempted from the provisions of other of the Commission's minimum rate tariffs when subject to the minimum rates, rules and regulations hereinafter prescribed.

The proposals of petitioner's tariff witness relative to shipping documents were confined to a recommendation concerning what form of freight bill should be prescribed. In this respect he recommended the adoption of a freight bill which is substantially similar to freight bills which have been prescribed in various other minimum rate tariffs of the Commission. His proposals did not include any recommendations concerning a shipping order. He said that under prevailing practices the carriers enter into explicit contracts with the shippers covering each house to be moved. For this reason he was of the opinion that a shipping order would not be necessary.

We do not agree with this view. The moving of houses is a function which covers a wide range of services that, in total, cost several hundreds -- even thousands -- of dollars per house moved. The specification of the services to be performed by the carrier in response to shipper's order and the rates to be assessed by the carrier for said services is essential to determination of whether the minimum rate provisions hereinafter prescribed are being met. A shipping order will be prescribed for use in addition to the freight bill. If the carriers wish to supplement the minimum provisions set forth in these documents by subsidiary contracts, they are not prohibited from doing so.

Findings

Upon consideration of all the facts and circumstances of record, the Commission finds:

1. That the rates, charges, rules and regulations set forth in the tariff designated as Appendix "B", attached hereto and by this reference incorporated in and made a part of this order, are and will be for the future just, reasonable and nondiscriminatory minimum rates and accessorial charges to be assessed, charged and collected, and the rules to be observed, by any and all radial highway common carriers, highway contract carriers, and city carriers for the transportation and other services (including accessorial services rendered incident thereto) for which rates, charges, rules and regulations are provided in said tariff designated as Appendix "B".

2. That any and all radial highway common carriers, highway contract carriers, and city carriers should be required to assess, charge, collect and observe for the transportation and other services (including accessorial services rendered incident thereto) for which rates, charges, rules and regulations are provided in said tariff designated as Appendix "B", rates, charges and accessorial charges no lower in volume or effect than those set forth in said tariff designated as Appendix "B", and rules and regulations resulting in rates and charges no lower in volume or effect than those set forth or referred to therein.

The Commission concludes that:

1. Petitions Nos. 261 and 36 in Cases Nos. 5432 and 5435, respectively, should be granted to the extent provided in the following order. In other respects said petitions should be denied.

2. Petition No. 27 in Case No. 5439 should be dismissed, since petitioner, in effect, withdrew it by amending its proposals so as not to apply to the transportation of houses within the County of San Diego.

In order to avoid duplication of tariff distribution in the exemption of the contents of houses from other of the Commission's minimum rate tariffs when said contents are transported subject to the tariff which is established by the following order, said other minimum rate tariffs which are involved will be amended as necessary by separate orders.

O R D E R

IT IS ORDERED that:

1. The rates, rules and regulations set forth in the attached tariff which is designated as Appendix "B", and by this reference is incorporated in and made a part of this order, are hereby established and approved, effective January 23, 1965, as just, reasonable and nondiscriminatory minimum rates, charges and accessorial charges to be assessed, charged and collected and the rules and regulations to be observed by any and all radial highway common carriers, highway contract carriers and city carriers for the transportation and other services, including accessorial services rendered incident thereto, for which rates, charges, rules and regulations are provided in said tariff.

2. Any and all radial highway common carriers, highway contract carriers and city carriers are hereby ordered and directed to cease and desist on January 23, 1965, and thereafter to abstain from assessing, charging or collecting rates, charges.

or accessorial charges lower in volume or effect than those set forth or referred to in said tariff designated as Appendix "B" and from observing rules or regulations lower in volume or effect than those set forth therein.

3. Except as otherwise provided in Decisions Nos. 68361, 68362 and herein, Petition No. 261 in Case No. 5432 and Petition No. 36 in Case No. 5435 are hereby denied.

4. Petition No. 27 in Case No. 5439 is hereby dismissed.

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

Dated at San Francisco, California, this 15th day of December, 1964.

Fredrick B. Holdcroft

President

Robert E. [unclear]
Robert [unclear]

George [unclear]

[unclear]

Commissioners

WMB

APPENDIX "A"

(Appearances)

Leo I. Sherman and Ray M. Uyeshina, for
House Moving Contractors Association,
petitioner.
Jacob Paul and Marvin L. Nolen, for
United House Sales, protestant.
W. J. Rowland, for Bakersfield Moving
Company, protestant.
W. A. Tavenner, for M & M House
Moving Co., Inc., interested party.
James Quintrall, W. A. Dillon, J. C.
Kaspar and A. D. Poe, for California
Trucking Association, interested
party.
Fred P. Hughes, Robert C. Labbe, C. R.
L'Ecluse, Leonard Diamond, and
Ralph J. Staunton, for the Transporta-
tion Division of the Commission's
staff.

APPENDIX B
OF
DECISION NO. 68359
IN CASE NO. 5432
ISSUED BY
THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA
CONSISTING OF MINIMUM RATE TARIFF 16
NAMING MINIMUM RATES, RULES AND REGULATIONS
FOR THE
TRANSPORTATION OF HOUSES AND
OTHER BUILDINGS
OVER THE PUBLIC HIGHWAYS WITHIN A
PORTION OF SOUTHERN CALIFORNIA BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AND
CITY CARRIERS

MINIMUM RATE TARIFF 16
NAMING
MINIMUM RATES, RULES AND REGULATIONS
FOR THE
TRANSPORTATION OF
HOUSES AND OTHER BUILDINGS
OVER THE PUBLIC HIGHWAYS WITHIN
A PORTION OF SOUTHERN CALIFORNIA
BY
RADIAL HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AND
CITY CARRIERS

The original tariff contains rates, rules and regulations established in Decision No. 68359, in Case No. 5432. Changes will be made by issuing revised or added pages or by issuing supplements.

EFFECTIVE JANUARY 23, 1965

Issued by the
Public Utilities Commission of the State of California
State Building, Civic Center
San Francisco, California

CORRECTION NUMBER CHECKING SHEET

This tariff is issued in loose-leaf form. Correction numbers appearing on all added and revised pages will be numbered consecutively in the lower left-hand corner. These correction numbers should be checked below on this checking sheet before pages are filed in the tariff.

CORRECTION NUMBERS

1	31	61	91	121	151	181
2	32	62	92	122	152	182
3	33	63	93	123	153	183
4	34	64	94	124	154	184
5	35	65	95	125	155	185
6	36	66	96	126	156	186
7	37	67	97	127	157	187
8	38	68	98	128	158	188
9	39	69	99	129	159	189
10	40	70	100	130	160	190
11	41	71	101	131	161	191
12	42	72	102	132	162	192
13	43	73	103	133	163	193
14	44	74	104	134	164	194
15	45	75	105	135	165	195
16	46	76	106	136	166	196
17	47	77	107	137	167	197
18	48	78	108	138	168	198
19	49	79	109	139	169	199
20	50	80	110	140	170	200
21	51	81	111	141	171	201
22	52	82	112	142	172	202
23	53	83	113	143	173	203
24	54	84	114	144	174	204
25	55	85	115	145	175	205
26	56	86	116	146	176	206
27	57	87	117	147	177	207
28	58	88	118	148	178	208
29	59	89	119	149	179	209
30	60	90	120	150	180	210

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

ARRANGEMENT OF TARIFF

This is a loose-leaf tariff arranged as follows:

- Section 1 - Rules and Regulations
- Section 2 - Territorial Descriptions
- Section 3 - Rates
- Section 4 - Forms of Shipping Documents

TABLE OF CONTENTS	Item Except As Shown (Inclusive)
Correction Number Checking Sheet	Page 1
Forms of Shipping Documents.....	400-410
Rates	300
Rules and Regulations:	
Advancing Charges	60
Alternative Application of Common Carrier Rates	70
Application of Rates - General	20
Application of Tariff - Carriers	30
Application of Tariff - Commodities	40
Application of Tariff - Territorial	50
Carrier's Equipment Charge	80
Collection of Charges	90
Confirmation of Shipping Instructions and Rate Quotation	100-101
Definitions of Technical Terms	10-11
Disposition of Fractions	110
Issuance of Shipping Document	120
Observance of Quoted Rates and Charges	130
Payments to Underlying Carriers	140
References to Items and Other Tariffs	150
Shipments To Be Rated Separately	160
Units of Measurement To Be Observed	170
Territorial Descriptions	200-210

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

SECTION 1

RULES AND REGULATIONS

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

SECTION 1 - RULES AND REGULATIONS	Item
<p data-bbox="437 438 987 504">DEFINITIONS OF TECHNICAL TERMS (Items 10 and 11)</p> <p data-bbox="232 531 1298 655">CARRIER means a carrier as defined in the City Carriers' Act, or a radial highway common carrier or highway contract carrier, as defined in the Highway Carriers' Act.</p> <p data-bbox="232 687 1262 849">CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, dolly or any combination of such highway vehicles operated by the carrier, including necessary tools and other appurtenances required for the transportation.</p> <p data-bbox="232 879 1265 945">COMMISSION means the Public Utilities Commission of the State of California.</p> <p data-bbox="232 975 1318 1103">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 on date of shipment.</p> <p data-bbox="232 1134 1301 1229">CONSIGNEE means the person, firm or corporation shown on the shipping document as the party to whom the property is physically delivered by the carrier.</p> <p data-bbox="232 1260 1298 1355">CONSIGNOR means the person, firm or corporation shown on the shipping document as the party who physically delivers the property to the carrier for transportation.</p> <p data-bbox="232 1386 1281 1481">DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee, or other party.</p> <p data-bbox="232 1512 1278 1607">HOUSE means a single-family or multifamily dwelling, a store, a garage, a factory or other building, and appurtenant garage or garages.</p> <p data-bbox="232 1638 1298 1703">HOLIDAYS mean New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.</p> <p data-bbox="232 1733 1298 1895">OVERLYING CARRIER (principal carrier) means a carrier which contracts with a shipper to provide transportation service for the latter, but which carrier in turn employs another carrier, known as the underlying carrier (independent-contractor subhauler), to perform that service.</p> <p data-bbox="232 1925 1245 2053">POINT OF DESTINATION means the precise location at which shipment is lowered from carrier's equipment and is placed upon final resting place designated by consignor, consignee, or consignor's or consignee's agent.</p>	<p data-bbox="1389 1295 1430 1325">10</p>

POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent to the carrier for transportation.

(Continued in Item 11)

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Concluded) (Items 10 and 11)</p> <p>RATE includes charge, and also the rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>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, but not necessarily in an identical type of equipment.</p> <p>SHIPMENT means one house, or one or more sections of a house, tendered for transportation by one consignor on one shipping document at one point of origin at one time for one consignee at one point of destination or site.</p> <p>SITE means the precise location at which a shipment is physically delivered to a place (other than point of destination) designated by consignor and/or consignee.</p> <p>TRANSPORTATION means all services performed by carrier (except Advancing Charges referred to in Item 60) in connection with a shipment, both prior to and after actual movement of the shipment from point of origin to point of destination or site.</p> <p>UNDERLYING CARRIER (independent-contractor subhauler) means any carrier who renders service for an overlying carrier (principal carrier), for a specified recompense, for a special result, under the control of the overlying carrier as to the result of the work only and not as to the means by which such result is accomplished.</p>	11
EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">APPLICATION OF RATES - GENERAL</p> <p>Rates provided in this tariff are for the transportation of shipments from point of origin to point of destination or site.</p>	20
<p style="text-align: center;">APPLICATION OF TARIFF-CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the City Carriers' Act, and the Highway Carriers' Act. They apply for the transportation of property, as defined in Item 40, by carriers as defined in City Carriers' Act, and radial highway common carriers and highway contract carriers, as defined in Highway Carriers' Act.</p> <p>Except as otherwise provided in Items 90, 120 and 140 the rates, rules and regulations named in this tariff shall not apply to transportation by underlying carriers (independent - contractor subhaulers) when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the underlying carriers are performing transportation service.</p>	30
<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES</p> <p>Rates in this tariff apply for the transportation of shipments as defined in Item 11; including integral parts and/or contents when not removed from the shipment being transported.</p> <p>EXCEPTIONS: Rates in this tariff do not apply to:</p> <ol style="list-style-type: none"> 1. Shipments which are knocked down or which do not require special highway permits. As herein used, the term "knocked down" means that the shipment has been taken apart in such manner as to reduce its bulk by at least 33 1/3 percent from its cubage when erected. 2. Property of the United States, state, county or municipal governments or property transported under an agreement whereby the government has contracted for the carrier's services. 	40
EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">APPLICATION OF TARIFF-TERRITORIAL</p> <p>Rates in this tariff apply for the transportation of shipments (a) between points and places within the area described in Item 200, or (b) from points and places within said area to points and places within the counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Riverside, San Bernardino and Imperial.</p>	50
<p style="text-align: center;">ADVANCING CHARGES</p> <p>Carrier will arrange for necessary permits, alterations along route, inspections and bonds, and may advance the charges therefor and any such other necessary charges to persons other than the consignee, consignor or debtor. The carrier shall be reimbursed by consignee, consignor or debtor for the amounts of such advances. The advanced charges shall be shown on carrier's freight bill and shall be evidenced by copy of receipted bill or bills covering said advances.</p>	60
<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 between the same points of origin and destination, and for the same accessorial services, than results from the application of rates herein provided.</p>	70
<p>.....</p>	
<p>EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p>	

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">CARRIER'S EQUIPMENT CHARGE</p> <p>When a shipment has been moved to a destination or site and then is left on carrier's equipment, a charge shall be made for the use of said equipment. Said charge shall commence accruing the 31st day after the first 12 o'clock midnight following delivery of shipment to destination or site. The charge shall be computed at the rate of \$1.00 per day, or fraction thereof, except that if the site is located on carrier's property, the charge shall be computed at the rate of \$1.50 per day, or fraction thereof.</p>	80
<p style="text-align: center;">COLLECTION OF CHARGES</p> <p style="text-align: center;">(For other provisions concerning payments of overlying carriers to underlying carriers, see also Item 140.)</p> <p>(a) Except as otherwise provided in this rule, accrued transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</p> <p>(b) Upon taking precautions deemed by them to be sufficient to assure payment of accrued charges within the credit period herein specified, carriers may relinquish possession of shipment in advance of the payment of the charges thereon and may extend credit in the amount of such charges to those who undertake to pay them such persons herein being called debtors, for a period of 24 hours, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the shipment to destination or site. When the freight bill is not presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.</p> <p>(c) Where a carrier has relinquished possession of shipment and has collected the amount of charges represented in a freight bill presented by it as the total amount of charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtor within 24 hours from the first 12 o'clock midnight following delivery of the shipment.</p> <p>(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p>	90

(f) The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(g) The provisions of this item will not apply to transportation of property for the United States, state, county or municipal governments.

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">CONFIRMATION OF SHIPPING INSTRUCTIONS AND RATE QUOTATION (Items 100 and 101)</p> <p>1. A confirmation of shipping instructions and rate quotation document shall be prepared in duplicate by the carrier for each shipment tendered for transportation. Such document shall be signed by the carrier and consignor prior to the commencement of performance of any service specified therein, and the signed original or duplicate thereof delivered to the consignor prior to or at the time such service is begun. Such documents shall contain the following information:</p> <ul style="list-style-type: none"> (a) Date. (b) Date and time of pickup requested or other arrangement. (c) Name and address of carrier or carriers. (d) Names and addresses of consignor, consignee and debtor, or representatives thereof, ordering or requiring the services, or for whom services are performed. (e) Description of notification and delivery arrangements. (f) Points of origin and destination or site. (g) Description of shipment. (h) Description of transportation and accessorial services to be performed. (i) Rates and charges (including minimum hours, other units of measurement, or minimum charges, when they are to be applied) quoted for the services described in the documents. (See Note 1, Item 101) (j) Signatures of carrier and consignor. <p>2. The form of confirmation of shipping instructions and rate quotation document in Item 110 will be suitable and proper. Such form may be combined with the shipping document form into a single document, provided such combined form and the issuance thereof are in compliance with the provisions of this item and Item 120 and properly identified as to what it purports to be.</p> <p>3. The original or duplicate of each document issued in compliance with the provisions of this item shall be retained and preserved by the issuing carrier, subject to the inspection of the Commission or of its employees for a period of not less than three years from the date thereof.</p> <p style="text-align: center;">(Continued in Item 101)</p>	100
EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">CONFIRMATION OF SHIPPING INSTRUCTIONS AND RATE QUOTATION (Concluded) (Items 100 and 101)</p> <p>NOTE 1.-The following statement, or one of similar import, shall be placed upon the document:</p> <p style="text-align: center;">IMPORTANT NOTICE</p> <p>(a) The rates quoted herein (including minimum hours, minimum weight, minimum charge, or other minimum provisions), supersede any previous quotation, estimate or representation.</p> <p>(b) The quoted rates are believed to be not lower than minimum rates prescribed by the California Public Utilities Commission as published in its Minimum Rate Tariff 16 and are to be applied to the number of hours involved in providing service, or to the actual number of other units of measurement, subject to the designated minimum provisions, unless in conflict with the minimum rates, rules and regulations of that tariff.</p> <p>(c) The Commission's tariff must be applied as the minimum basis.</p> <p>(d) Copies of the tariff are open for public inspection at the Commission's offices in San Francisco and Los Angeles and at the carrier's office or offices at _____ designate location.</p>	101
EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">DISPOSITION OF FRACTIONS</p> <p>In computing charges on a shipment, the following rule shall be observed in the disposition of fractions: Fractions of less than $\frac{1}{2}$ or .50 of a cent, omit. Fractions of $\frac{1}{2}$ or .50 of a cent or greater, increase to next whole figure.</p>	110
<p style="text-align: center;">ISSUANCE OF SHIPPING DOCUMENT</p> <p>(1) A shipping document shall be issued by the carrier to the consignor for each shipment received for transportation. The shipping document shall show the following information:</p> <ul style="list-style-type: none"> (a) Name of consignor. (b) Name of consignee. (c) Point of origin. (d) Point of destination or site. (e) Description of the shipment. (f) Time started and finished. (g) Time deductible, and reasons therefor. (h) Rate and charge assessed. (i) Such other information as may be necessary to make an accurate determination of the applicable minimum rate and charge. <p>(2) The form of shipping document in Item 400 will be suitable and proper. Such form may be combined with the confirmation of shipping instructions and rate quotation document form provided such combined form and the issuance thereof are in compliance with the provisions of this item and Items 100 and 101 and properly identified as to what it purports to be.</p> <p>(3) A copy of each shipping document, confirmation of shipping instructions and rate quotation document, delivery receipt and freight bill shall be retained and preserved by the issuing carrier, subject to the inspection of the Commission or of its employees for a period of not less than three years from the date of its issuance.</p>	120
EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	

SECTION 1 - RULES AND REGULATIONS (Continued)	Item
<p style="text-align: center;">OBSERVANCE OF QUOTED RATES AND CHARGES</p> <p>Rates and charges no higher than those specified in the confirmation of shipping instructions and rate quotation document issued pursuant to the provisions of Items 100 and 101 shall be assessed on each shipment transported over the line of a single carrier, or over the lines of two or more carriers under a joint or agency arrangement, except as provided in paragraphs (a) or (b) below:</p> <p>(a) When charges determined on the quoted basis are lower than those resulting under the minimum rates provided in this tariff the latter shall be used.</p> <p>(b) If, prior to the rendition of any transportation, the carrier fails to issue a confirmation of shipping instructions and rate quotation document, or if such document is issued but does not contain the information specified in subparagraphs 1, 2, 3, and 4 below, rates and charges no higher than the minimum rates and charges named in this tariff shall be assessed.</p> <ol style="list-style-type: none"> 1. A description of the transportation and accessorial services ordered to be undertaken. 2. Rates (including minimum hours, or minimum charges, when they are to be applied) quoted for the service so described. 3. Signature of consignor. 4. Signature of carrier. 	130
EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE	
<p style="text-align: center;">Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p>	

SECTION 1 - RULES AND REGULATIONS (Concluded)	Item
<p style="text-align: center;">PAYMENTS TO UNDERLYING CARRIERS</p> <p>Charges paid by an overlying carrier to an underlying carrier and collected by the latter carrier from the former for the service of said underlying carrier shall be not less than 95 percent of the charges applicable under the minimum rates prescribed in this tariff, less the gross revenue taxes applicable and required to be paid by the overlying carrier. (See Notes 1 and 2.) The underlying carrier may extend credit to the overlying carrier for a period not to exceed twenty days, excluding Sundays and legal holidays other than Saturday half-holidays, following the last day of the calendar month in which the transportation was performed, and payment by the overlying carrier must be made within this time.</p> <p>NOTE 1.-As used in this item the term gross revenue taxes means the California Transportation Tax payable to the California Board of Equalization and the tax payable to the California Public Utilities Commission under the Transportation Rate Fund Act.</p> <p>NOTE 2.-Nothing herein contained shall prevent an overlying carrier, in paying such charges, from deducting therefrom such liquidated amounts as may be due from the underlying carrier to the overlying carrier, provided such deductions have been authorized in writing by the underlying carrier. Any overlying carrier electing to employ this procedure shall itemize such amounts and maintain for the Commission's inspection all documents involved in the transaction.</p>	140
<p style="text-align: center;">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>Unless otherwise provided, reference herein to item numbers in this or other tariffs include reference to such numbers with letter suffix, and reference to other tariffs include references to amendments and successive issues of such other tariffs.</p>	150
<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier.</p>	160
<p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p>Rates or charges shall not be quoted nor assessed by carriers upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>	170

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

SECTION 2

TERRITORIAL DESCRIPTIONS

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

SECTION 2 - TERRITORIAL DESCRIPTIONS	Item
<p>The following territorial descriptions include both sides of streets, boulevards, roads, avenues or highways named.</p> <p>LOS ANGELES BASIN HOUSE MOVING TERRITORY includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; north-easterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolonga-tion to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; southwesterly along U.S. Highways 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, south-erly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway 74; westerly along State Highway 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue (Winchester Road); southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula (Winchester Road); southerly along said county road to U.S. Highway 395; south-casterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.</p>	200
EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	

SECTION 2 - TERRITORIAL DESCRIPTIONS (Concluded)

MAP OF LOS ANGELES BASIN HOUSE MOVING
TERRITORY DESCRIBED IN ITEM 200

Item 210

(Map to be furnished in printed form.)

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

SECTION 3

RATES

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

SECTION 3 - RATES	Item
<p style="text-align: center;">HOURLY RATES</p> <p>The following rates include such carrier's equipment as is required in conjunction with the services of each man furnished by the carrier for the performance of the transportation involved. (See Note 1)</p> <p style="text-align: center;"><u>Rates in Dollars per Man per Hour</u></p> <p>For work done on days other than Saturdays, Sundays or holidays:</p> <p style="padding-left: 2em;">Between the hours of 6:00 A.M. and 6:00 P.M. ----- \$10.35</p> <p style="padding-left: 2em;">Between the hours of 6:00 P.M. and 6:00 A.M. ----- 12.25</p> <p>For work done on a Saturday ----- 12.25</p> <p>For work done on a Sunday or a holiday ----- 14.20</p> <p style="padding-left: 4em;">PLUS</p> <p>A charge at the rate of ----- \$20.70 per man per shipment for travel time to and from shipment computed on the number of men engaged in the transportation.</p> <p>NOTE 1.-(a) Charges for fractional parts of an hour shall be assessed on the following bases: Less than 45 minutes ----- charge for ½ hour. 45 minutes or more ----- charge for 1 hour. (b) In computing time for assessing charges, appropriate allowances shall be made for delays occasioned by the following: (1) Failure of carrier's equipment. (2) Time out taken for meals. (3) Intermittent delays as a consequence of inclement weather or when required by highway permit regulations.</p>	300
EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	

S E C T I O N 4

FORMS OF SHIPPING DOCUMENTS

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

SECTION 1 - FORMS OF SHIPPING DOCUMENTS						Item
SHIPPING ORDER AND FREIGHT BILL						
Name of Carrier _____		Date _____		Bill No. _____		
Point of Origin _____				Permit No. _____		
Consignor _____						
Address _____						
City _____						
Point of Destination or Site _____						
Consignee _____						
Address _____						
City _____						
Description of House _____						
Number of Men	TIME				Rate Per Hour Per Man	Charges
	Started	Completed	Deductible	Net		
SUB TOTAL						
Number of Men	TIME				Rate Per Hour Per Man	Charges
	Started	Completed	Deductible	Net		
ADVANCE CHARGES _____						
TOTAL CHARGES TO COLLECT _____						
Explanation of deductible charges:						
_____					Date Paid _____	

_____ Signature of Consignor or Agent				_____ Signature of Carrier or Agent		
EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE						
Issued by the Public Utilities Commission of the State of California, San Francisco, California.						

400

SECTION 4 - FORMS OF SHIPPING DOCUMENTS (Concluded)	Item
CONFIRMATION OF SHIPPING INSTRUCTIONS AND RATE QUOTATION	
<p>(Name of carrier which shall be the name in which the operating authority is held.)</p>	
<p>(The shipper is requested to read this document carefully before signing it and to ask for an explanation of anything which is not clear or is inconsistent with any previous representation made by the carrier.)</p>	<p>(Serial number of document)</p>
<p style="text-align: right;">(Place document is issued) (Date Issued) _____</p>	
<p>This will confirm instructions received from _____ (Name the person placing instructions) to transport _____ (Description of house to be moved)</p>	
<p>from _____ (Describe the location from which house is to be shipped)</p>	
<p>to _____ (Describe the location at which house is to be delivered)</p>	
<p>and to perform the accessorial services of _____</p>	
<p>in connection with the receipt, transportation or delivery of the house to notify _____ (Name the party to be notified)</p>	
<p>at _____ (Location where notification is to be made)</p>	
<p>by _____ (Describe the type of notification and when and how it is to be made)</p>	
<p>The rate(s) for the above described services is(are) _____ (Name the</p>	
<p>rate or rates, minimum charges and any other minimum provisions involved for transportation and accessorial services ordered, designating the particular services for which different rates are quoted)</p>	
<p>Important Notice Charges under the rates quoted herein are to be determined on the basis of the number of hours involved in providing service, or the actual number of other units of measurement, subject to designated minimum provisions notwithstanding any previous quotation, estimate or representation to the contrary. The rates herein quoted, including minimum charges or other minimum provisions, supersede any previous</p>	

410

understanding with respect to rates and charges. They are believed to be not lower than the minimum rates prescribed by the California Public Utilities Commission and promulgated in Minimum Rate Tariff 16 and are to be applied unless in conflict with the rates or other minimum provisions of that tariff. The Commission's tariff must be applied as the minimum basis. Copies of it are open for public inspection at the Commission's offices in the State Buildings at San Francisco and Los Angeles and at _____

(The carrier's office or

offices--designate their location)

(Name of Consignor)

(Name of Carrier)

(Signature of Consignor or Agent)

By

(Show name in full)

(Address of Consignor or Agent)

(Date)

END OF TARIFF

EFFECTIVE AS SHOWN ON ORIGINAL TITLE PAGE

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

Decision No. 68359

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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 No. 261
Filed April 19, 1962;
Amended April 18, 1963

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 City Carriers' Tariff No. 4, Highway Carriers' Tariff No. 5).

Case No. 5435

Petition No. 36
Filed April 19, 1962;
Amended April 28, 1963

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 within San Diego County (including transportation for which rates are provided in Minimum Rate Tariff No. 9-A).

Case No. 5439

Petition No. 27
Filed April 19, 1962;
Amended April 28, 1963

BENNETT, William M., Commissioner, dissenting opinion:

It is a trite but true axiom that the tail should not wag the dog. The record discloses that only 25 percent of the services performed by the petitioners involve transportation as such, and that the balance of their services are those of a general contractor. As a result, for a few petitioners in the Los Angeles area, this decision eliminates competition in what is primarily a contracting field.

The petitioners are not unregulated. As contractors regulated and licensed by the State of California, petitioners remove houses from their foundations and replace those houses on new permanent foundations. Often these houses must be cut into sections and reassembled; utility connections must be provided, and new permanent foundations built; all of which must be done by petitioners to conform to applicable building codes. The actual movement of the houses is under individual permit, is done under the strictest safety requirements, and is under the closest scrutiny of state, city and county authorities. The only unregulated part of their business is the rate to be charged. This decision establishes minimum rates for the entire operation.

Unquestionably, this Commission does have the right to establish minimum rates for public carriage over the highways of this state. However, in my opinion, it is an abuse of discretion for this Commission to regulate the charges of this entire industry under the guise of "accessorial charges". Such regulation puts too much emphasis of the bald, jurisdictional power of this Commission and is unmindful of the anti-trust policy of this state and nation prohibiting conspiracy to fix prices and eliminate competition.

Dated at San Francisco, California, this 17th day of December, 1964.


WILLIAM M. BENNETT
Commissioner