

ORIGINAL

Decision No. 70416

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)
make various revisions in National)
Motor Freight Classification A-8)
and its California Supplement.)

Application No. 48137
(Filed December 21, 1965)

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway)
carriers and city carriers relat-)
ing 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. 401)
(Filed December 21, 1965)

And Related Matters

) Cases Nos. 5435, 5439, 5440,
) 5441, 5603 and 7858
) (Petitions for Modification
) Nos. 71, 40, 30, 98, 25 and 11,
) respectively
) (Filed December 21, 1965)

ORDER OF SUSPENSION

Decision No. 70287 dated January 25, 1966, in the above proceedings, granted authority to National Motor Freight Traffic Association, Inc., Agent, to publish, on behalf of California common carriers to become effective not earlier than March 15, 1966, numerous changes in classification ratings, rules and other provisions.¹

¹

These provisions are published in National Motor Freight Classification A-8(CAL) as governed by National Motor Freight Classification A-8, collectively referred to herein as the Governing Classification.

That decision concurrently adopted and approved such classification changes to govern the minimum rates established by the Commission as set forth in various minimum rate tariffs.²

National Motor Freight Traffic Association, Inc., Agent, applicant in Application No. 48137, suggested that the effective date of any order in these proceedings be thirty days from the date of such order so that interested parties would have ample opportunity to advise them and the Commission concerning any classification changes which may require separate and further consideration without unduly delaying the effectiveness of the great body of classification changes concerning which there is no question or dispute.

By letter from its counsel dated February 8, 1966, Dymo Industries, Inc., (Dymo) informed the Commission that it manufactures a tool which would be subject to a proposed first-class less-truckload rating on hand operated label or tape embossers.³ Currently, and for many years past, Dymo has shipped less-truckload quantities of this tool between Emeryville and other California points under a second-class less-truckload rating provided for "Tools, NOI".⁴ Dymo alleges that the California carriers which transport its traffic believe that the current ratings and rates are sufficient. Dymo asserts that the

²The tariffs are Minimum Rate Tariffs Nos. 1-B (East Bay Drayage), 2 (General Commodities Statewide), 5 (Los Angeles Drayage), 9-B (San Diego Drayage), 10 (Cement Statewide) and 11-A (Uncrated New Furniture Statewide) and City Carriers' Tariff No. 1-A (San Francisco Drayage).

³Item 184420 of Supplement 10 to the Governing Classification provides ratings of first class, less truckload, and fourth class, truckload, minimum weight 24,000 pounds, for this commodity, subject to the provisions of Item 184422 of said supplement to the classification.

⁴This rating is set forth in Item 186630 of the Governing Classification. A truckload rating of fourth class, minimum weight 30,000 pounds, is also named in this item.

proposed increase in the less-truckload rating from second to first class on this commodity would increase its rates by ten percent. Dymo requests that the proposed change be eliminated from Decision No. 70287, supra, or that the matter be set for hearing.

In the circumstances, it appears, and the Commission finds, that the changes authorized by Decision No. 70287, supra, in connection with Items 184420 and 184422 of the Governing Classification should be suspended pending hearing of the matter. The Commission concludes that the Governing Classification should be amended by filing suspension supplements thereto indicating that the above items are suspended on California intrastate traffic pending further order.

Inasmuch as the proposed changes involved herein are scheduled to become effective March 15, 1966, on California intrastate traffic, the order which follows will be made effective on the date hereof.

IT IS ORDERED that:

1. The ratings and provisions published in Items 184420 and 184422 of National Motor Freight Classification A-8 (CAL) as governed by National Motor Freight Classification A-8 are hereby suspended on California intrastate traffic and the use of such ratings and provisions deferred until July 13, 1966, unless otherwise ordered by the Commission, and no change shall be made in said classification items during the period of suspension or any extension thereof unless authorized by special permission of the Commission.

2. National Motor Freight Traffic Association, Inc., Agent, is hereby required and directed to publish and file suspension supplements to National Motor Freight Classification A-8 (CAL) as

governed by National Motor Freight Classification A-8 reflecting the suspension of the classification items specified in Ordering Paragraph 1 hereof.

3. Copies of this order shall be forthwith served upon National Motor Freight Traffic Association, Inc., Agent, California Trucking Association and Dymo Industries, Inc.

4. A public hearing shall be scheduled in these proceedings for the receipt of evidence concerning the application to California intrastate traffic of Items 184420 and 184422 of National Motor Freight Classification A-8 (CAL) as governed by National Motor Freight Classification A-8.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 3rd day of March, 1966.

Fredrick B. Halaloff

President

George L. Hoover

Arzouman

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.