

**ORIGINAL**

Decision No. 71200

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 re- )  
visions in National Motor Freight )  
Classification A-9 and its Califor- )  
nia Supplement. )

Application No. 48698  
(Filed August 10, 1966)

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 any and all com- )  
modities 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. 431)  
(Filed August 10, 1966)

And Related Matters )

Cases Nos. 5435, 5439, 5440,  
5441, 5603 and 7858  
(Petitions for Modification  
Nos. 82, 50, 38, 113,  
32 and 17, respectively)  
(Filed August 10, 1966)

OPINION AND ORDER

Various common carriers participate in National Motor Freight Classification A-8 (CAL) as governed by National Motor Freight Classification A-8, hereinafter referred to as the Governing Classification, for class ratings and other provisions. Also, various Commission minimum rate tariffs are subject to the class ratings and/or other provisions of such classification.

By Application No. 48698, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common

carriers, to publish various revisions in the reissued Governing Classification to become effective September 21, 1966, concurrently with the national effective date for such revisions.<sup>1</sup> By the above petitions, California Trucking Association seeks to have the ratings and other provisions in the reissued Governing Classification similarly revised to govern the minimum rates and rules in various Commission minimum rate tariffs.<sup>2</sup> Petitioner requests that all common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in these proceedings, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Applicant and petitioner, hereinafter referred to as applicants, state that the Governing Classification is periodically revised to meet the changing needs of commerce. Applicants assert that the procedures available to shippers and carriers to initiate such revisions, to participate in their disposition and to protect their interests are generally known to the parties involved. Applicants allege that the proposed revisions have been authorized by the National Classification Board after due process, including public hearings in California and other locations, and are generally

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The changes, which are provided in Supplements 1 to National Motor Freight Classifications A-9 (CAL) and A-9, are set forth in Exhibits A and B, respectively; they and the related justifications, in Exhibit C, are all attached to the application. "Reissued Governing Classification", as referred to herein, means National Motor Freight Classification A-9 (CAL) as governed by National Motor Freight Classification A-9.

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The 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), 11-A (Uncrated New Furniture Statewide), City Carriers' Tariff No. 1-A (San Francisco Drayage) and Exception Ratings Tariff No. 1.

scheduled to become effective September 21, 1966, for tariffs covering areas other than California. Applicants aver that such revisions, if authorized by this Commission, would permit maintenance of uniformity of classification provisions between California and the other states.

A review of applicants' requested revisions indicates that they pertain principally to (1) format of classification; (2) correction of publishing errors and omissions; (3) clarification of existing descriptions of articles; and (4) cancellation of obsolete provisions. Such changes are within the framework of the criteria heretofore outlined by this Commission.

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about August 9, 1966. The application and petitions were listed on the Commission's Daily Calendar of August 11, 1966. No objection to the granting of the application and petitions has been received.

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See Decision No. 68324 in Case No. 5432 et al., 63 Cal.P.U.C. 728; Decision No. 68711 in Case No. 5432 et al., 64 Cal.P.U.C. 146; also Decisions Nos. 70287, 70335, 70656, 70828 and 70960, all issued in Case No. 5432 et al., unreported.

In the circumstances, it appears, and the Commission finds, that:

1. The proposed classification revisions set forth in Application No. 48698 are reasonable and, to the extent that said ratings and rules will result in increases, such increases are justified.

2. The proposed ratings and rules which applicant will be authorized to establish, except to the extent that said ratings and rules are different from and are superseded by present exceptions contained in the respective minimum rate tariffs and the governing exception ratings tariff, are suitable to govern the minimum rates established by the Commission.

3. The rates and charges resulting from the application of the aforesaid ratings and rules are, and for the future will be, the just, reasonable and nondiscriminatory minimum rates and charges for the transportation of property by city carriers and highway carriers subject to the applicable minimum rate tariffs.

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Application No. 48698 should be authorized and that such ratings and rules should be adopted and approved, to the extent indicated in the ensuing order, to govern the minimum rates established by the Commission. The Commission further concludes that participating common carriers in applicant's National Motor Freight Classification A-9 and A-9 (CAL) should be 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. In view of the time element, the order which follows should be made effective September 20, 1966, so that the tariff publications involved may be made effective September 21, 1966, as requested.

IT IS ORDERED that:

1. National Motor Freight Traffic Association, Inc., Agent, on behalf of participating common carriers in National Motor Freight Classification A-9 (CAL) as governed by National Motor Freight Classification A-9, is authorized to establish and publish the classification ratings and rules set forth in Application No. 48698, to become effective not earlier than September 21, 1966, on not less than one day's notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraph 6 hereof, the classification ratings and rules authorized herein are approved and adopted as the just, reasonable and nondiscriminatory ratings and rules to govern the minimum rates and rules promulgated by the Commission in City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 10 and 11-A.

3. Tariff publications required to be made by common carriers as a result of Ordering Paragraph 2 hereof may be made effective not earlier than September 21, 1966, on not less than one day's notice to the Commission and to the public and such tariff publications shall be made effective not later than October 15, 1966; and tariff publications which are authorized but not required to be made by common carriers as a result of Ordering Paragraph 2 hereof may be made effective not earlier than September 21, 1966, and may be made effective on not less than one day's notice to the Commission and to the public if filed within sixty days of the effective date of the tariff publications authorized in Ordering Paragraph 1 hereof.

4. The classification ratings, rules and regulations authorized to be established by Ordering Paragraph 2 hereof are authorized to be made applicable also for the transportation of:

- (a) Commodities for which minimum rates have not been established, or
- (b) Commodities which are subject to higher rates than, or more restrictive provisions than, the minimum rates or provisions otherwise applicable.

5. Any provisions concurrently maintained in common carrier tariffs, which are more restrictive than, or which produce charges greater than, those contained in City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 10 and 11-A, are authorized to be maintained in connection with the ratings and rules authorized and directed to be established herein.

6. Except as provided in Ordering Paragraph 5 hereof, common carriers are not authorized to publish ratings and rules which are different from, and are superseded by, present exceptions contained in Exception Ratings Tariff No. 1, City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 10 and 11-A.

7. Common carriers, in establishing and maintaining the ratings and rules authorized hereinabove, 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

ratings and rules published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

The effective date of this order shall be September 20, 1966.

Dated at San Francisco, California, this 23rd day of August, 1966.

Paul E. Fink  
President  
George T. Fisher  
W. John  
William L. Bennett  
Commissioners

Commissioner Frederick B. Holboff, being necessarily absent, did not participate in the disposition of this proceeding.