

ORIGINAL

Decision No. 72548

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 common carriers, highway car-)
riers 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. 449)
(Filed March 28, 1967)

OPINION AND ORDER

Minimum Rate Tariff No. 2 names class and commodity rates for the statewide transportation of general commodities and contains therein exception ratings for the transportation of Oil, Water or Gas Well Outfits and Supplies including iron or steel pipe or tubing, inside diameter 4 inches or greater.¹ By this petition, California Trucking Association requests that conduit pipe be deleted from the list of commodities that are subject to the aforementioned exception ratings.² Petitioner asks that common carriers be authorized 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.

¹ Item No. 365 of Minimum Rate Tariff No. 2 provides exception ratings of 130% of Class A, minimum weight 20,000 pounds, and 115% of Class A, minimum weight 30,000 pounds, for the transportation of such commodities.

² The conduit pipe is specifically described in Item 51190 of National Motor Freight Classification A-9 hereinafter referred to as the Governing Classification.

Petitioner states that the latest general revision in the list of the commodities that are subject to the exception ratings involved herein established consistency of language and interpretation through use of references to item number descriptions in the Governing Classification.³ Petitioner declares that, though the inclusion of specific pipe descriptions in such revised list of commodities has resolved many questions, all major distributors of conduit pipe have informed it that the inclusion of conduit pipe in the commodity descriptions involved has unnecessarily disrupted long-standing practices in the distribution and transportation of that commodity. Petitioner avers that it has verified the allegations of these distributors and believes that the continued maintenance of these exception ratings is improper and inequitable in connection with the transportation of conduit pipe.

The certificate of service shows that copies of the verified petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about March 27, 1967. The petition was listed on the Commission's Daily Calendar of March 29, 1967. Pittsburgh Standard Conduit Co., Republic Steel Corporation, Steel Rigid Conduit and Electrical Metallic Tubing Section of the National Electric Manufacturers Association and Triangle Conduit & Cable Co. Inc. have informed the Commission by letter that they support petitioner's proposal. No objection to the granting of the petition has been received.

³ See Decision No. 70789 dated June 1, 1966, in Case No. 5432 (Petition for Modification No. 400).

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended) is further amended by incorporation therein, to become effective July 15, 1967, Eighth Revised Page 38-A, attached hereto, and by this reference made a part hereof.


2. Tariff publications authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order.

3. Common carriers, in establishing and maintaining the rates 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 rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

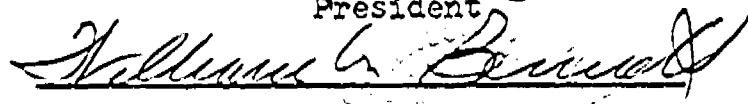
4. In all other respects Decision No. 31606, as amended, shall remain in full force and effect.

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

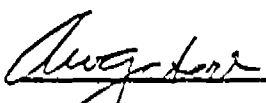
Dated at San Francisco, California, this 6th day of June, 1967.



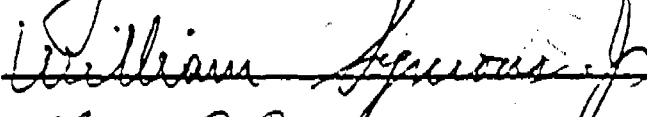
President




[unclear]



[unclear]



[unclear]



Commissioners

Fittings, Pipe, iron or steel, cast or wrought, plate or sheet, as described in Items 51460, 51470, 51480, 51500, 51510 or 51520, inside diameter less than 4 inches (see Note),
 Generators, Electric, as described in Items 62080, 62100 or 62120,
 Pipe or Tubing, iron or steel, inside diameter less than 4 inches, viz.:
 Cast or Wrought (see Note), or Plate or Sheet, 16 gauge or thicker, as described in Items
 ** 51200, 51210, 51220, 51230, 51240, 51250, 51260, 51320, 51940, 51960, 51970, 52072, 52090, 52200, 52220 or 52240,
 Plate or Sheet, iron or steel, as described in Items 106020, 106060, 106080, 106100, 106120, 106140, 106160, 106180, 106200, 106220, 106260, 106280, 106710, 106720 or 106740,
 Pumps, Power, as described in Item 128000,
 Rods, Pull, as described in Items 107100 or 199690,
 Rope, as described in Items 14680, 30940, 53390, 63780, 98470, 107520 or 171240,
 Smokestacks, as described in Item 52340,
 Tanks, steel, as described in Items 25800, 121150, 123540, 180820, 180840, 181070, 181110, 181170, 181260, 181300, 181310, 181330, 181350, 181370, 181390, 181410, 181440, 181480, 181520, 181540, 181560, 181600, 181620, 181660, 181740 or 181760,
 Tools, mechanics', as described in Item 186900 (one box), secondhand (used), not exceeding 1,000 pounds in weight,
 Trunks or Running Gears, Steam Boiler, as described in Item 189740, knocked down,
 Towers, Water Cooling, atmospheric, as described in Item 187030,
 Valves, iron or brass, as described in Items 50855 or 50870.

NOTE.--Will not apply on cast iron pipe or fittings as described in Item No. 378 of this tariff.

(1) Truckload ratings set forth in this item do not alternate with less-truckload ratings.

Change)
 ** Reference to Item) Decision No. **72548**
 51190 eliminated)

EFFECTIVE JULY 15, 1967

Issued by the Public Utilities Commission of the State of California,
 Correction No. 1832 San Francisco, California.