

Decision No. 75544

**ORIGINAL**

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 com- )  
mon carriers and express corpora- )  
tions, for authority to make )  
various revisions in National Motor )  
Freight Classification A-10. )

Applications Nos. 50942  
and 50957  
(Filed March 10 and  
17, 1969)

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  
(Petitions for Modification  
Nos. 536 and 539)  
(Filed March 10 and 17,  
1969)

And Related Matters )

Cases Nos. 5435, 5439, 5441,  
5603 and 7858  
(Petitions for Modification  
Nos. 119, 88, 160, 66 and  
50, respectively, and Nos.  
120, 89, 161, 67 and 51,  
respectively)  
(Filed March 10 and 17,  
1969)

OPINION AND ORDER

Various common carriers engaged in intrastate transporta-  
tion within California participate in National Motor Freight Clas-  
sification A-10, hereinafter referred to as the Governing Classifi-  
cation, for class ratings and other provisions. Also, certain  
Commission minimum rate tariffs are subject to the class ratings  
and/or other provisions of such classification.

By Applications Nos. 50942 and 50957, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to publish specific revisions in the Governing Classification to become effective May 14 and 15, 1969, respectively, concurrently with the national effective dates for such revisions.<sup>1</sup> By the above petitions, California Trucking Association seeks to have the ratings and other provisions in the Governing Classification similarly revised to govern the minimum rates and rules in certain 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 aver 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 carriers and shippers. Applicants allege that the sought revisions have been authorized by the National Classification Board, after due process, and are generally

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<sup>1</sup> The changes, which are provided in Supplement 18 to the Governing Classification, are set forth in Exhibit A and the related justifications are set forth in Exhibit B, both of which are attached to Application No. 50942 and the changes, which are provided in Supplement 19 to the Governing Classification, are set forth in Exhibit A and the related justifications are set forth in Exhibit B, both of which are attached to Application No. 50957.

<sup>2</sup> 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), 11-A (Uncrated New Furniture Statewide) and 19 (San Francisco Drayage) and Exception Ratings Tariff No. 1.

scheduled to become effective May 14 and 15, 1969, for tariffs covering areas other than California and that such revisions, if authorized, would permit maintenance of uniformity of classification provisions between California and the rest of the nation.

A review of applicants' proposed 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; (4) cancellation of obsolete provisions; and (5) establishment of specific ratings for newly designed or manufactured articles. Such changes are within the framework of the criteria heretofore announced by this Commission for establishing revisions in the Governing Classification on California intrastate traffic.<sup>3</sup>

Applicants suggest, to protect the interests of all parties, that the effective date of any order issued herein should be thirty days after the date of this decision. This would provide ample opportunity for any interested party to advise applicants and the Commission concerning those items which might require separate and further consideration without unduly delaying the effectiveness of the great body of classification changes which, applicants assert, are necessary and desirable, and concerning which there is no question or dispute.

Copies of the applications and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about March 10 and 17, 1969. The applications and petitions were listed on the Commission's Daily Calendar of March 11 and 18, 1969. No objection to the

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<sup>3</sup> See Decision No. 68324 in Case No. 5432, et al., 63 Cal.P.U.C. 728, and Decision No. 68711 in Case No. 5432, et al., 64 Cal.P.U.C. 146.

granting of Application No. 50957 and Case No. 5432 (Petition for Modification No. 539), et al., has been received.

By letters from its Manager of Transportation & Distribution Research dated March 21, 1969, Fibreboard Corporation (Fibreboard) has informed the Commission that it objects to the increase in the less-truckload classification rating on knocked down, corrugated fibreboard boxes<sup>4</sup> and the requirement that fibreboard boxes show their dimensions and cubage<sup>5</sup> as proposed by applicants in Application No. 50942 and Case No. 5432 (Petition for Modification No. 536), et al. Fibreboard states that the proposed increased rating is neither reasonable nor proper and that applicants have not shown such increase to be reasonable and proper on California intrastate traffic. Fibreboard further states that the proposed dimension and cubage requirement would place an unreasonable and unjustifiable burden on manufacturers and users of fibreboard boxes and that the proponent carriers have not shown a need for, nor justified, such requirement. Fibreboard contends that it has been informed that petitions will be filed with the Interstate Commerce Commission seeking suspension of the aforementioned rating and dimension and cubage requirement. Fibreboard requests that authorization of the subject rating be deferred pending action thereon by the Interstate Commerce Commission and, in the event that that organization approves such rating, that the matter be

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<sup>4</sup> Item 29275-B of Supplement 18 to the Governing Classification provides for a less-truckload rating of Class 77½ for "Boxes, Fibreboard, paper, paperboard or pulpboard, NOI, without wooden frames, KD flat or folded flat, corrugated." The current less-truckload rating on this commodity is Class 65.

<sup>5</sup> Item (Rule) 222-C of the Governing Classification provides that fibreboard boxes manufactured on or after October 1, 1969, having fixed dimensions when set up or assembled, must show in inches the outside dimensions of the box, including all projecting portions, and the cubage in feet produced from such dimensions.

set for hearing by this Commission. Fibreboard also requests that consideration of the dimension and cubage requirement be withheld until Item (Rule) 425 of the Governing Classification is authorized by this Commission.<sup>6</sup>

By letter from its Director, Transportation and Distribution Department, California Manufacturers Association (CMA) informed the Commission that a number of its members object to the proposed dimension and cubage requirement. CMA states that handling this subject under shortened procedure is not justified and requests that the matter be set for hearing so that all interested parties will have an opportunity to be heard.

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

1. Except as provided in Finding No. 4, the proposed classification revisions set forth in Applications Nos. 50942 and 50957 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. Except as provided in Finding No. 4, the rates and charges resulting from the application of the aforesaid ratings

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<sup>6</sup> Item (Rule) 425 of the Governing Classification provides that, except where class ratings are specifically named in said classification for commodities with stated densities, ratings of Class 300, 250 and 150 apply to commodities that respectively have densities per cubic foot of less than 2 pounds, 2 pounds but less than 4 pounds and 4 pounds but less than 6 pounds. By Decision No. 75113 dated December 13, 1968, in Application No. 50695 and Case No. 5432 (Petition for Modification No. 520) et al., the Commission denied authority to applicants to publish these provisions in the Governing Classification.

and rules are, and for the future will be, the just, reasonable and nondiscriminatory minimum rates for the transportation of property by highway carriers subject to the applicable minimum rate tariffs.

4. The changes sought by applicants in connection with Item (Rule) 222-C and Item 29275-B of Supplement 18 to the Governing Classification are not justified and should be denied.

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Applications Nos. 50942 and 50957 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 the involved participating common carriers in applicant's National Motor Freight Classification A-10 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. The order which follows should be made effective thirty days after the date hereof and the earliest effective date of Supplements 18 and 19 to the Governing Classification should be May 14 and 15, 1969, respectively. Exception Ratings Tariff No. 1 will be amended to eliminate an item number reference therein to a commodity description in the Governing Classification.

IT IS ORDERED that:

1. Except as otherwise provided in Ordering Paragraph 10 hereof, National Motor Freight Traffic Association, Inc., Agent, on behalf of the involved common carriers participating in National Motor Freight Classification A-10, is authorized to establish and publish the classification ratings and rules set forth in

Applications Nos. 50942 and 50957, to become effective not earlier than May 14 and 15, 1969, respectively, on not less than five days' notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraphs 7 and 10 hereof, the classification ratings and rules authorized herein are approved and adopted as the just, reasonable and non-discriminatory ratings and rules to govern the minimum rates and rules promulgated by the Commission in Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 11-A and 19.

3. Exception Ratings Tariff No. 1 (Appendix A to Decision No. 66195, as amended) is hereby further amended by incorporating therein, to become effective May 14, 1969, Second Revised Page 27-Q attached hereto and by this reference made a part hereof.

4. Tariff publications required to be made by common carriers in connection with Application No. 50942 as a result of Ordering Paragraphs 2 and 3 hereof and in connection with Application No. 50957 as a result of Ordering Paragraph 2 hereof may be made effective not earlier than May 14 and 15, 1969, respectively, on not less than five days' notice to the Commission and to the public and such tariff publications shall be made effective not later than July 14, 1969; 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 May 14 and 15, 1969, in connection with Applications Nos. 50942 and 50957, respectively, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than July 14, 1969.

5. The classification ratings and rules 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.

6. Any provisions currently maintained in common carrier tariffs which are more restrictive than, or which produce charges greater than, those contained in Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 11-A and 19 and Exception Ratings Tariff No. 1 are authorized to be maintained in connection with the ratings and rules authorized and directed to be established herein.

7. Except as provided in Ordering Paragraph 6 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 and Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 11-A and 19.

8. 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.



9. In all other respects, Decision No. 66195, as amended, shall remain in full force and effect.

10. The provisions proposed to be published by applicants in Item (Rule) 222-C and Item 29275-B of Supplement 18 to National Motor Freight Classification A-10 are hereby denied.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 8<sup>th</sup> day of April, 1969.

William J. Harrison, Jr.  
President

August

John P. Monsey  
William J. Harrison

Alan G.  
Commissioners

Cancels

SECTION NO. 2-B—TRUCKLOAD CLASSES (RATINGS) AND MINIMUM WEIGHTS WHICH ARE EXCEPTIONS TO THE GC						Item No.
ARTICLES as described in the following item numbers of the Governing Classification, viz.:						
Item Number	TL Rating	TL Minimum Weight	Item Number	TL Rating	TL Minimum Weight	
171430	35.1	40,000	176620			
171450	35.1	40,000	Sub 2	35.3	40,000	
171860	35.2	36,000	176780	35.4	40,000	
171880	35.2	30,000	176880	35.4	40,000	
172370	35.3	40,000	178040			
172870	35.1	36,000	Sub 1	35.1	36,000	
173130	35.1	30,000	178230			
173290	35.1	40,000	Sub 1	35.2	20,000	
173550	35.1	40,000	Sub 2	35.2	20,000	
173570	35.1	36,000	179600	35.2	20,000	
173680	35.1	56,000	179640	35.2	36,000	
173820	35.1	40,000	179740	35.1	30,000	
175370	35.4	40,000	179980			
175375			Sub 1	35.1	30,000	
Sub 1	35.2	40,000	Sub 2	35.1	30,000	
Sub 2	35.2	40,000	180000	35.1	40,000	61170
175380			180060	35.2	40,000	
Sub 1	35.4	30,000	180140	35.2	40,000	
Sub 2	35.4	40,000	180630	35.4	60,000	
175390	35.4	40,000	180650	35.4	40,000	
175400	35.2	30,000	180990			
175420	35.2	50,000	Sub 2	35.3	36,000	
175440	35.1	30,000	181010			
175450	35.2	30,000	Sub 3	35.3	36,000	
175460	35.2	24,000	181460			
175480	35.2	24,000	Sub 4	35.1	36,000	
175510	35.2	36,000	182360	35.2	36,000	
**			182380	35.2	40,000	
176350	35.4	50,000	182420	35.2	36,000	
176370			182480	35.3	36,000	
Sub 3	35.3	50,000	182620	35.3	36,000	
176390	35.3	50,000	183040			
176400	35.2	50,000	Sub 2	35.2	30,000	
176520	35.2	36,000	183310	35.2	40,000	
φ Change ** Item No. 176020 eliminated						Decision No. 75544
EFFECTIVE MAY 14, 1969						
Issued by the Public Utilities Commission of the State of California, San Francisco, California.						
Correction No. 171						