

**ORIGINAL**Decision No. 76158

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
 for the purpose of considering and )  
 determining revisions in or reissues )  
 of Exception Ratings Tariff No. 1. )

Case No. 7858  
 Petition for Modification  
 No. 53  
 (Filed May 8, 1969)

OPINION AND ORDER

The Commission's Exception Ratings Tariff No. 1 (ERT 1) contains class ratings and rules which apply in lieu of those named in National Motor Freight Classification (NMFC) A-10 governing the various minimum rate tariffs making specific reference thereto. Section 2-A of ERT 1 provides exception ratings on furniture and related articles subject to an expiration date of December 31, 1969. The Furniture Manufacturers Association of California requests the extension of the aforementioned expiration date to December 31, 1970.

By Decision No. 74150 of May 21, 1968, in Cases Nos. 5432 and 7858 et al., the less truckload exception ratings for furniture and related articles, named in Section 2-A of ERT 1, were established for the purpose of effecting an orderly transition to NMFC A-10 (Cal) as the governing classification for various Commission minimum rate tariffs.<sup>1/</sup> Said exception ratings were made subject to an expiration date of September 1, 1968 in contemplation of the final changeover to NMFC A-10 as the governing classification for the various minimum rate tariffs involved.

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<sup>1/</sup> National Motor Freight Classification A-10 (Cal) as governed by National Motor Freight Classification A-10.

The Commission adopted NMFC A-10, in lieu of NMFC A-10 (Cal), effective July 15, 1968, as the governing classification for its various minimum rate tariffs, by Decision No. 74310 of July 25, 1968, in Cases Nos. 5432 and 7858. Said decision also extended the expiration date for the exception ratings on furniture and related articles named in Section 2-A of ERT 1 to December 31, 1969, such action being taken in conjunction with the following Finding No. 13:

"13. The exception ratings found to be justified herein should be authorized on a temporary basis; it being understood that those exception ratings authorized herein, pursuant to shipper and carrier requests therefore, shall not be continued in effect beyond December 31, 1969, unless such continuance is fully justified pursuant to the filing of a petition on or before June 1, 1969."

Petition No. 53 is assertedly responsive to the above Finding No. 13 of Decision No. 74310. In justification of the sought extension of time, petitioner explains that it diligently followed the procedural machinery for obtaining classification changes as laid down in Decision No. 67610 (63 Cal. P.U.C. 170, 170-178). Secondly, petitioner directs attention to the fact that the Interstate Commerce Commission is currently conducting an investigation (I.C.C. Docket No. 34922 - Classification Ratings on Furniture) into the reasonableness of the increased furniture ratings named in NMFC A-10. As a result of such investigation, a Recommended Report and Order has been issued which would order such increased ratings cancelled on interstate traffic. It is understood that exceptions to the Recommended Report and Order have been filed by respondents in the aforementioned I.C.C. proceeding and petitioner herein alleges that there are strong indications that regardless of final action of the Interstate Commerce Commission, all regulatory and judicial appeal procedures will be exhausted before the matter is finally concluded.

Petitioner alleges that the purpose of its sought relief is to allow adequate time for related interstate matters to be finally resolved. It is explained that this rate proposal is in harmony with the Commission's statement (Decision No. 67610) that "...uniformity of classification provisions applicable in California with those applicable elsewhere is desirable". The Furniture Manufacturers Association submits that no sound purposes would be served by presenting evidence at this time in justification of the retention of the existing exception ratings on furniture and related articles when there is much uncertainty about future related interstate ratings.

A copy of the verified petition was mailed to the California Trucking Association, among other parties, on May 7, 1969. The petition was also listed on the Commission's Daily Calendar of May 9, 1969. The Commission's Transportation Division staff reviewed petitioner's sought relief and advise that, in the absence of protest, the petition appears to be one that may be granted by ex parte order. No objection to the granting of the sought relief has been received.

We find petitioner's request, that the expiration date of Section 2-A of ERT 1 be extended to December 31, 1970, to be in consonance with the classification transition program established by Decision No. 74310 as well as the procedures for effecting classification changes set forth in Decision No. 67610. We also find that the sought relief has been shown to be just and reasonable. A public hearing is not necessary.

We conclude that Petition for Modification No. 53, in Case No. 7858, should be granted and that Exception Ratings Tariff No. 2 should be amended accordingly.

IT IS ORDERED that:

1. Exception Ratings Tariff No. 1 (Appendix A to Decision No. 66195, as amended) is hereby further amended by incorporating therein, to become effective October 18, 1969, the revised pages attached hereto and made a part hereof by this reference, said pages being specifically identified as:

Third Revised Page 27-A.  
Second Revised Page 27-B.  
Second Revised Page 27-C.

2. Tariff publications required or authorized to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order, on not less than ten days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than October 18, 1969; and as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within sixty days after the effective date hereof.

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.

C. 7858, Pet. 53 Mjo

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

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

Dated at San Francisco, California, this 10th  
day of SEPTEMBER, 1969.

William S. Sweeney, Jr.  
President

Augustine J. [illegible]  
[illegible]

Vernon L. Sturgeon  
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

## (E) SECTION 2-A

LESS TRUCKLOAD CLASSES (RATINGS)  
WHICH ARE EXCEPTIONS TO THE  
GOVERNING CLASSIFICATION

When applied in connection with Minimum Rate Tariff 2:  
If the charge accruing under Section 2 of this tariff is lower than  
the charge accruing under this section on the same shipment between  
the same points, the charge accruing under Section 2 will apply.

⌘ (E) This Section expires with December 31, 1970  
⌘ Change, Decision No. **76158**

EFFECTIVE

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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
SAN FRANCISCO, CALIFORNIA.

SECTION 2-A--LESS TRUCKLOAD CLASSES (RATINGS) WHICH ARE EXCEPTIONS TO THE GOVERNING CLASSIFICATION						ITEM
FURNITURE and RELATED ARTICLES as described in the following item numbers of the Governing Classification, viz.:						
Item Number	LTL Rating	Item Number	LTL Rating	Item Number	LTL Rating	
79050	200	80520		81310		
79090	125	Sub 1	150	Sub 1	100	
79110	85	80540		81432	100	
79180		Sub 1	200	81435		
Sub 2	100	Sub 2	125	Sub 1	100	
79260		80545	100	81440	100	
Sub 1	200	80560	85	81465		
Sub 2	125	80590		Sub 1	125	
79275		Sub 1	175	81500		
Sub 1	200	Sub 2	150	Sub 1	150	
Sub 2	100	Sub 5	100	81570		
79400	100	Sub 6	100	Sub 1	100	
79440	150	Sub 7	85	81600		
79460		80605		Sub 1	150	
Sub 1	100	Sub 1	175	Sub 2	70	
79480		Sub 2	100	81610		
Sub 1	85	80620		Sub 1	200	
79520	100	Sub 1	150	Sub 3	85	
79550	150	Sub 2	100	81650		
79720	125	80640		Sub 1	175	
79740		Sub 1	150	81725		
Sub 2	100	Sub 2	100	Sub 1	100	
79800		80770		81740		
Sub 1	125	Sub 1	200	Sub 1	100	
Sub 2	100	Sub 2	100	Sub 3	100	(E)
79820	100	80775		81840		1000
79900		Sub 1	200	Sub 1	100	
Sub 1	125	Sub 2	100	81970	100	
Sub 2	100	80830		82105		
79940		Sub 1	100	Sub 2	100	
Sub 1	100	80865	150	Sub 3	100	
80000		80869	150	82110		
Sub 1	100	80900		Sub 2	100	
80020		Sub 1	100	Sub 5	125	
Sub 2	100	80920	100	82120		
Sub 4	85	80980		Sub 1	100	
80040		Sub 1	100	Sub 2	85	
Sub 1	100	80990	200	82130		
80080	100	81008	100	Sub 1	100	
80100		81080		Sub 2	85	
Sub 1	100	Sub 2	125	82160	100	
80120		81090		82210	100	
Sub 1	100	Sub 3	85	82220	100	
80290	100	81100		82250	100	
80320	100	Sub 2	150	82340	100	
80445		81140		82360		
Sub 1	100	Sub 2	85	Sub 1	100	
Sub 2	85	81190		82420	70	
80450		Sub 1	100	82520	85	
Sub 1	125	81200		82620	100	
80460		Sub 1	125	82640		
Sub 1	100	Sub 2	100	Sub 2	100	
80470		81250		83270	100	
Sub 1	100	Sub 1	150			
80485	125					
(E) This item expires with December 31, 1970. Change. Decision No. <b>76158</b>						
EFFECTIVE						
Correction 176						ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 2-A--LESS TRUCKLOAD CLASSES (RATINGS) WHICH ARE EXCEPTIONS TO THE GOVERNING CLASSIFICATION		ITEM
FURNITURE, viz.:  Chaise Lounges, Couches, Davenports, Daybeds, Divans, Lounges, Love Seats, Settees, Sofas, Sofa-beds or Tete-a-tetes; upholstered, other than aluminum, other than dual purpose (as described in Item 80869 of the Governing Classification):  With backs detached or laid down flat, or without backs and without arms or ends, or with arms or ends detached, or KD flat in packages.-----	LTL Rating	(E) 1020
	100	
<p>ø (E) This item expires with December 31, 1970.</p> <p>ø Change, Decision No. 76158</p>		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		

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