

**ORIGINAL**

Decision No. 76294

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 vari- )  
ous revisions in National Motor )  
Freight Classification A-10. )

Application No. 51335  
(Filed August 22, 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 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. 553)  
(Filed August 22, 1969)

And Related Matters )

Cases Nos. 5435, 5439, 5441,  
5603 and 7858  
(Petitions for Modification  
Nos. 130, 99, 172, 72  
and 61, respectively)  
(Filed August 22, 1969)

OPINION AND ORDER

Various common carriers engaged in intrastate trans-  
portation within California participate in National Motor Freight  
Classification A-10, hereinafter referred to as the Governing  
Classification, 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 Application No. 51335, 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 October 20, 1969, 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 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 scheduled to become effective October 20, 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.

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<sup>1</sup>The changes, which are provided in Supplement 27 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 the application.

<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.

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 application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about August 22, 1969. The application and petitions were listed on the Commission's Daily Calendar of August 26, 1969. No objection to the granting of the application and petitions has been received.

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

1. The proposed classification revisions set forth in Application No. 51335 are reasonable and, to the extent that said

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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.

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 for the transportation of property by 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. 51335 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. Minimum Rate Tariff No. 2 will be amended by the order herein and, to avoid duplication of tariff distribution, Minimum Rate Tariff No. 1-B will be amended by a separate order

to reflect changes in item number references in such tariff to commodity descriptions in the Governing Classification.

IT IS ORDERED that:

1. 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 Application No. 51335, to become effective not earlier than October 20, 1969, on not less than two days' notice to the Commission and to the public.

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

3. Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective October 20, 1969, Ninth Revised Page 37-CC, attached hereto and by this reference made a part hereof.

4. Tariff publications required to be made by common carriers as a result of Ordering Paragraphs 2 and 3 hereof may be made effective not earlier than October 20, 1969, on not less than two days' notice to the Commission and to the public and such tariff publications shall be made effective not later than December 19, 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 October 20, 1969, and may be made effective on not less than two days' 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.

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, or
- (c) Commodities for which rates have been established based upon Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 11-A and 19.

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 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.


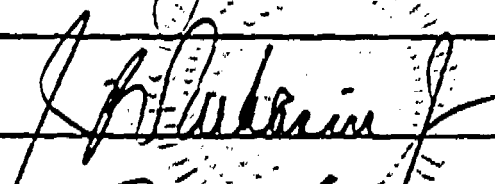


8. Common carriers, in establishing and maintaining the ratings and rules authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities

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. 31606, as amended, shall remain in full force and effect.

The effective date of this order shall be October 18, 1969.

Dated at San Francisco, California, this 23rd day of September, 1969.

  
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President  
  
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Commissioners

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p align="center">EXCEPTIONS TO GOVERNING CLASSIFICATION AND                      EXCEPTION RATINGS TARIFF (Continued)</p> <p>(Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)</p>	<p align="center">Class                      Rating</p>
<p>GROCERIES AND GROCERS' SUPPLIES, viz.: (Items 360 and 360.5)</p> <p>Bakery Goods (21180, 21190, 21210, 21220, 21225 or 21230)</p> <p>Beverages, or Beverage Preparations (72140, 72160, 72162, 73790, 73810, 73960, 73970 or 75180)</p> <p>Bluing, Laundry, combined with washing compounds, dry (24330) (subject to Notes 1 and 2)</p> <p>Candy Fondant (Candy Filler), Confectionery Paste or Icing Paste (39940)</p> <p>Candy or Confectionery (39970, 39974 or 39976)</p> <p>Cereal and Nuts combined (Meat Substitutes) (73840)</p> <p>Cereal Food Preparations (42310 through 42435) (subject to Notes 1 and 3)</p> <p>Chocolate (39990)</p> <p>Chocolate Coating (40000)</p> <p>Coating, Candy, other than chocolate (40010)</p> <p>Cocoa (72520)</p> <p>Coffee (72660 or 72680)</p> <p>Coffee, extract of (condensed or instant), dry (72600)</p> <p>Coffee Substitutes (72700)</p> <p>Coloring, confectioners' (50097)</p> <p>Compounds, Food Curing, Preserving or Seasoning (73220)</p> <p>Dessert Preparations (72760 or 72762)</p> <p>Eggs, Shelled (Egg Albumen, white or yolks), desiccated or frozen, cooked or not cooked (55560, 55570 or 55580)</p> <p>Extracts or Flavoring Compounds, NOI (72910)</p> <p>Fish, other than fresh or frozen (72930, 72950 or 72970)</p> <p>Flour, edible (73030, 73040, 73060, 73080, 73100, 73120, 73140, 89430 or 89450)</p> <p>Food, Prepared, NOI (73180 or 73200)</p> <p>Fruit, or Fruit Peel, candied, crystallized, glazed or stuffed, NOI (73340)</p> <p>Fruit Juice Powders or Crystals, Citrus (73360)</p> <p>Fruit Syrups (75170)</p> <p>Gelatine (73380)</p> <p>Glucose (75140 or 75150)</p> <p>Gum, Chewing (40040)</p> <p>Honey (73440 or 73460)</p> <p>Horseradish (74710 or 171080)</p> <p>Liquors, malt (111470)</p> <p>Liquors, vinous (75430, 111490 or 111510), including Brandy made from grapes (111450)</p> <p>Minimum Weight 20,000 pounds -----</p> <p>Minimum Weight 30,000 pounds -----</p> <p align="center">(Continued in Item 360.5)</p>	<p align="center">6360</p> <p align="center">55</p> <p align="center">35</p>
<p>Change, Decision No. <b>76204</b></p>	
<p align="center">EFFECTIVE</p>	
<p align="center">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                      SAN FRANCISCO, CALIFORNIA</p> <p>Correction 2142</p>	