

Decision No. 76389

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) Application No. 51423
on behalf of certain highway com-) (Filed October 14, 1969)
mon carriers and express corpora-)
tions, for authority to make)
various revisions in National)
Motor Freight Classification A-10.)

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-) Case No. 5432
ing to the transportation of any) (Petition for Modification
and all commodities between and) No. 558)
within all points and places in) (Filed October 14, 1969)
the State of California (includ-)
ing, but not limited to, trans-)
portation for which rates are)
provided in Minimum Rate)
Tariff No. 2).)

And Related Matters) Cases Nos. 5435, 5439, 5441,
) 5603 and 7858
) (Petitions for Modification
) Nos. 134, 103, 177, 75,
) and 63, respectively)
) (Filed October 14, 1969)

OPINION AND ORDER

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

By Application No. 51423, 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 November 20 and December 10, 1969, ¹ currently with the national effective date for such revisions.

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 ² certain Commission minimum rate tariffs. 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 November 20 and December 10, 1969, for tariffs covering areas other than California and that such revisions, if authorized, would permit maintenance of

¹ The changes proposed for November 20, 1969, are intended to correct typographical errors in Supplement 27 to the Governing Classification. The other changes relate primarily to updating participating carrier lists. Said changes, which are provided in Supplement 28 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.

² 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.

uniformity of classification provisions between California and the rest of the nation.

A review of applicants' proposed revisions indicates that they pertain principally to correction of publishing errors in Supplement 27 to the Governing Classification in connection with Sheet Steel Articles and the usual updating of the participating carrier lists. Such changes are within the framework of the criteria heretofore announced by this Commission for establishing revisions in the Governing Classification on California intrastate³ traffic.

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about October 14, 1969. The application and petitions were listed on the Commission's Daily Calendar of October 16, 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. 51423 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

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.

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. 51423 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.

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 (1) the classification ratings and rules set forth in Exhibit A attached to Application No. 51423, to become effective not earlier than November 20, 1969, and (2) the other changes set forth in Exhibit A attached to said Application No. 51423, to become effective not earlier than December 10, 1969, on not less than one day's notice to the Commission and 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 Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 11-A and 19.

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 November 20 or December 10, 1969, as provided in Ordering Paragraph 1 hereof, 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 February 8, 1970; 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 November 20 or December 10, 1969, as provided in Ordering Paragraph 1 hereof, and may be made effective on not less than one day's notice to the Commission and to the public if filed not later than February 8, 1970.

4. 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.

5. 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.

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 and Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B, 11-A and 19.

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 November 19, 1969.

Dated at San Francisco, California, this 4th day of November, 1969.

William J. Lyons, Jr.
President
J. B. [illegible]
[illegible]
Vernon L. [illegible]
Commissioners