

ORIGINAL

Decision No. 77561

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
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-11. )

Application No. 52014  
(Filed July 2, 1970)

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. 591)  
(Filed July 2, 1970)

And Related Matters )

Cases Nos. 5435, 5439, 5441,  
5603, 7783, 7857 and 7858  
(Petitions for Modification Nos.  
153, 121, 198, 88, 30, 34  
and 76, respectively)  
(Filed July 2, 1970)

OPINION AND ORDER

Various common carriers engaged in intrastate transporta-  
tion within California participate in National Motor Freight Clas-  
sification A-11, 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 Application No. 52014, National Motor Freight Traffic  
Association, Inc., Agent, seeks authority, on behalf of such common  
carriers, to publish specific revisions in the Governing Classifica-  
tion to become effective September 2, 1970, 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 September 2, 1970, 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 7 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), 14-A (Agricultural Commodities Statewide), 15 (Vehicle Unit Rates) 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.<sup>3</sup> 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>4</sup>

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about July 2, 1970. The application and petitions were listed on the Commission's Daily Calendar of July 6, 1970. No objection to the granting of the application and petitions has been received.

The Transportation Division staff has reviewed the application and petitions and recommends that they be granted by ex parte order to the extent hereinafter indicated.

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<sup>3</sup> Commission staff analysis reveals that, of the 184 revisions in question, 90 would result in increases, 20 in reductions and 74 in neither increases nor reductions. Of the 90 increases, 73 involve cancellation of obsolete commodities and modification of ratings and minimum weights on certain commodities to reflect more adequately their transportation characteristics and 17 involve changes in commodity descriptions.

<sup>4</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.

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

1. The C.O.D. rule revision sought by applicant, which would provide for the assessment of a charge of \$5.00 per shipment for changing the status of a C.O.D. shipment by increasing, reducing or cancelling the amount of the C.O.D., should be scheduled for public hearing.

2. Except as provided in Finding 1, the proposed classification revisions set forth in Application No. 52014 are reasonable and, to the extent that said ratings and rules will result in increases, such increases are justified.

3. 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.

4. Except as provided in Finding 1, 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 and charges 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. 52014 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-11 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. 1-B will be amended by separate order to reflect changes in item number references therein 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-11, is authorized to establish and publish the classification ratings and rules set forth in Application No. 52014 to become effective not earlier than September 2, 1970, on not less than five days' notice to the Commission and to the public, subject to the condition specified in Ordering Paragraph 2 hereof.

2. Common carriers named in Application No. 52014 are not authorized to observe the provisions of Section 14 of Item 430-A of Supplement 7 to National Motor Freight Classification A-11 nor to publish similar provisions in their individual tariffs.

3. 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, 14-A, 15 and 19.

4. Tariff publications required to be made by common carriers as a result of Ordering Paragraph 3 hereof shall be made

effective September 2, 1970, on not less than five days' notice to the Commission and to the public and tariff publications which are authorized but not required to be made by common carriers as a result of Ordering Paragraph 3 hereof may be made effective not earlier than September 2, 1970, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than November 1, 1970.

5. The classification ratings and rules authorized to be established by Ordering Paragraph 3 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, 14-A, 15 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, 14-A, 15 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, 14-A, 15 and 19.

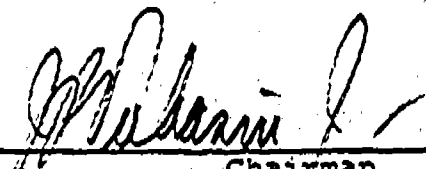
8. Common carriers, in establishing and maintaining the ratings and rules authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities


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.

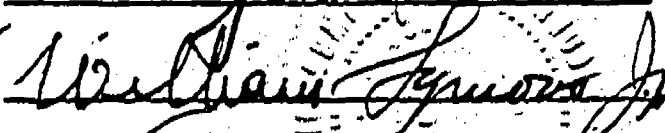
9. A public hearing shall be scheduled in these proceedings for the receipt of evidence concerning the proposed participation by the common carriers named in Application No. 52014 in the provisions of Section 14 of Item 430-A of Supplement 7 to National Motor Freight Classification A-11 on California intrastate traffic.

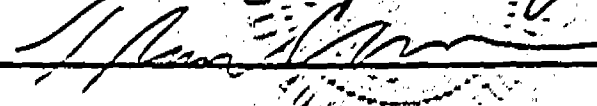
The effective date of this order shall be twenty days after the date hercof.

Dated at San Francisco, California, this 4th day of August, 1970.

  
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Chairman

  
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Augustus

  
\_\_\_\_\_  
William L. Sturgeon

  
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Vernon L. Sturgeon

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Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.