

ORIGINAL

Decision No. 77604

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all household goods carriers,)
common carriers, highway carriers,)
and city carriers, relating to the)
transportation of used household)
goods and related property.)

Case No. 5330
Petition for Modification
No. 48
(Filed April 1, 1970)

OPINION AND ORDER

Minimum Rate Tariff No. 4-B contains minimum rates for the transportation of uncrated used household goods and used office and store equipment by household goods carriers, highway contract carriers and radial highway common carriers.

The petition herein, filed by California Moving & Storage Association, requests that the Commission issue an ex parte order requiring all highway common carriers which have authority to transport uncrated used household goods and office and store equipment to publish and file rates for such transportation which are no lower in volume or effect than the minimum rates for such commodities set forth in Minimum Rate Tariff No. 4-B. Petitioner alleges that said minimum rates have been found to be the lowest lawful rates for transportation by highway carriers which regularly engage in such transportation; therefore, the published rates of highway common carriers which are lower than said minimum rates are unduly and unreasonably low and, therefore, unlawful.

The petition was served on known interested parties, and notice of the filing of the petition appeared on the Commission's Daily Calendar. California Trucking Association supports the requested relief. There are no protests or requests for public hearing. A public hearing is not necessary.

The Commission heretofore has found that the minimum rates set forth in Minimum Rate Tariff No. 4-B are the just, reasonable and nondiscriminatory minimum rates for the transportation of uncrated used household goods and office and store equipment as described in said tariff. The Commission further finds that to the extent the rates and rules of common carriers who participate in traffic covered by Minimum Rate Tariff No. 4-B are less, in volume or effect, than the rates heretofore prescribed, the rates and rules of said common carriers are lower than a reasonable and sufficient level and not justified by transportation conditions; that said common carriers should effect such tariff publications as are necessary to make their rates and rules conform to those prescribed in Minimum Rate Tariff No. 4-B; and that any increases resulting from such tariff publications are justified.

The Commission concludes that common carriers, to the extent they participate in traffic covered by Minimum Rate Tariff No. 4-B, should be directed to publish and file rates no lower in volume or effect than those set forth in Minimum Rate Tariff No. 4-B.

IT IS ORDERED that:

1. Common carriers subject to the Public Utilities Act that are authorized to engage in transportation subject to Minimum Rate Tariff No. 4-B (Appendix C of Decision No. 65221, as amended) are hereby directed to establish and hereafter maintain in their tariffs

filed with this Commission rates, charges and rules no lower in volume or effect than the rates, charges and rules set forth in Minimum Rate Tariff No. 4-B.

2. Tariff publications required to be made by common carriers as a result of the order herein 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 and shall be made effective not later than November 1, 1970.

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 and schedules containing the rates published under this authority shall make reference to this order.

4. Service of this order shall be made by the Commission's Secretary upon all highway common carriers.

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

Dated at San Francisco, California, this 11th day of AUGUST, 1970.

August Chairman

William J. ...

...
Vernon L. ... Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.