

ORIGINAL

Decision No. 78700

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 highway 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. 646

And Related Matters

Case No. 5435, Petition No. 177  
Case No. 5436, Petition No. 109  
Case No. 5439, Petition No. 144  
Case No. 5441, Petition No. 226  
Case No. 5603, Petition No. 97  
Case No. 7783, Petition No. 40  
Case No. 7857, Petition No. 46  
Case No. 7858, Petition No. 96  
Application No. 52583

(Filed April 26, 1971)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification A-11, 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. 52583 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 May 31, 1971, 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 May 31, 1971, 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 Supplements 27, 27-B and 27-C 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), 6-A (Petroleum and Petroleum Products Statewide), 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> These principal 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 April 26, 1971. The application and petitions were listed on the Commission's Daily Calendar of April 28, 1971.

By letter dated May 7, 1971, Wigle and Larimore, Freight Traffic Consultants, on behalf of Granny Goose Foods Inc., objected to the adoption of rating increases contained in Item 72400-A, Sub. 1, of Supplement 27 to the Governing Classification for "Chips, Twists or Puffs, flour, meal, dough or mush, NOI."

The Transportation Division staff has reviewed the application and petitions and recommends that, except for the proposed rating increases on "Chips, Twists or Puffs, flour, meal, dough or mush, NOI," they be granted by ex parte order.

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Commission staff analysis reveals that, of the 115 revisions in question, 15 would result in increases, 35 in reductions and 65 in neither increases nor reductions. Of the 15 increases, 12 involve cancellation of obsolete commodities and modification of ratings and minimum weights on certain commodities to reflect more adequately their transportation characteristics and 3 involve changes in commodity descriptions.

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See Decision No. 68324 in Case No. 5432, et al., 63 Cal.P.U.C. 728.

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

1. The proposed rating increases for "Chips, Twists or Puffs, flour, meal, dough or mush, NOI" in Item 72400-A, Sub. 1, of Supplement 27 to the Governing Classification should not be authorized at this time.

2. Except as provided in Finding 1, the proposed classification revisions set forth in Application No. 52583 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 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. 52583 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.

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. 52583, except the provisions of Item 72400-A, Sub 1, therein, to become effective not earlier than May 31, 1971, on not less than one day's notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraph 8 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, 6-A, 9-B, 11-A, 14-A, 15 and 19.

3. Minimum Rate Tariff No. 1-B (Appendix E of Decision No. 65834, as amended) is hereby further amended by incorporating therein, to become effective May 31, 1971, Seventh Revised Page 33-A attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective May 31, 1971, Eleventh Revised Page 37-CC attached hereto and by this reference made a part hereof.

5. Tariff publications required to be made by common carriers as a result of Ordering Paragraph 2 hereof shall be made effective May 31, 1971, on not less than one day's 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 2 hereof may be made effective not earlier than May 31, 1971, 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 July 30, 1971.

6. 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, 6-A, 9-B, 11-A, 14-A, 15 and 19.

7. 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, 6-A, 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.

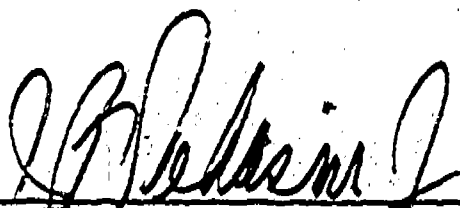
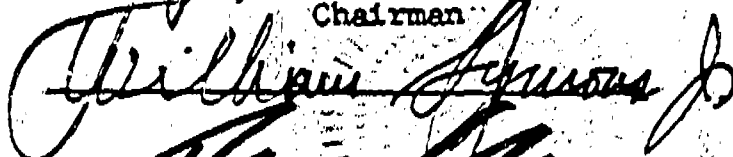
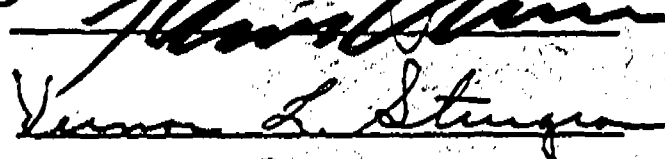

8. Except as provided in Ordering Paragraph 7 hereof, common carriers are not authorized to publish ratings and rules which are different from, and are superseded by, present exceptions contained in Exception Ratings Tariff No. 1 and Minimum Rate Tariffs Nos. 1-B, 2, 6-A, 9-B, 11-A, 14-A, 15 and 19.

9. 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.

10. In all other respects, Decisions Nos. 31606 and 65834, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 15<sup>th</sup> day of May, 1971.

  
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Chairman  
  
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Commissioners

SECTION 1--RULES (Continued)		ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATING TARIFF		
ARTICLE	CLASS	
<p>(1.) GROCERIES AND GROCERS' SUPPLIES, in packages, less truckload, viz.:</p> <p>(Item references are to the Governing Classification)</p> <p>Acid, Boric (Boracic) as described in Item 4020,                      Baking or Yeast Powder, as described in Item 72040,                      Beans, as described in Items 72080, 72100, 72120, 77060 or 77080,                      Beverages, Beverage Preparations (nonalcoholic), as described in Items 72140, 72160 or 72180, in boxes, barrels or crates, or in boxes or crates without covers,                      Bird Food or Seed, as described in Item 23600, or Bird Gravel, as described in Item 23620,                      Bleaching Compounds, as described in Items 24080 or 44970,                      Bluing, Laundry, as described in Items 24330 or 24350,                      Borax (Sodium Borate), as described in Item 43520,                      Candles, as described in Items 39810 or 39830,                      Candy or Confectionery, NOI, or Chocolate Candy or Confectionery, including Milk Chocolate Candy or Confectionery, as described in Item 39970,                      Cereals, other than flaked, puffed or shredded, as described in Items 42310 or 42390,                      Chocolate, as described in Item 39990,                      Chocolate Coating, as described in Item 40015,                      Cleaning, Scouring or Washing Compounds, NOI, Soap Powder or Soap, as described in Items 48580 and 48581,                      Cocoa, as described in Item 72520,                      Coconut, as described in Item 72580,                      Coffee, as described in Items 72600, 72620 or 72680,                      Coffee Substitutes, as described in Item 72700,                      Colorings, Confectioners', as described in Item 50026,                      Dessert Preparations, as described in Item 72760,                      Eggs, Shelled (egg albumen, whites or yolks, or whites and yolks together), frozen, as described in Item 55580, in metal cans, loose, tops securely fastened,                      Extracts, as described in Items 72860, 72880, 72910, 73810 or 73820,                      Feed, Animal or Poultry, as described under the heading "Feed Group" in the Governing Classification,                      Fish, other than fresh, as described in Items 72930, 72950 or 72970,                      Flour, as described in Items 73030, 73040, 73060, 73080, 73100, 73120 or 73140,                      Fondant, Candy (candy filler) as described in Item 39940,                      Food Curing, Preserving or Seasoning Compounds, NOI, as described in Item 73220,                      Fruit, candied, crystallized, glazed or stuffed, NOI, as described in Item 73340,                      Fruit, dried, as described in Items 77020, 77040, 77120, 77140, 77240, 77300 or 77360,                      Fruit Juices, as described in Items 72440, 73550, 73570, 73590, 73600, 73620, 73630, 73650 or 73670,                      Gelatine, as described in Item 73380,                      Grain, as described under the heading "Grain Group" in the Governing Classification,                      Gum, chewing, as described in Item 40040,                      Honey, strained, as described in Item 73460,                      Hops, as described in Item 99990,                      Insecticides, Fungicides, Insect Repellents or Vermin Exterminators, Agricultural, also other than agricultural having a petroleum base, as described under the heading "Insecticides Group" in the Governing Classification,</p>	55	6500
(Continued in Item 500.5)		
<p>Change, Decision No. 78700</p>		
EFFECTIVE		
Correction		ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.





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DECISION NOS.  
78701 THRU 78800