

ORIGINAL

Decision No. 78858

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)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 78700 dated May 18, 1971, National Motor Freight Traffic Association, Inc., Agent, was authorized, on behalf of the involved common carriers participating in National Motor Freight Classification A-11 (Governing Classification), to establish and publish the classification ratings and rules set forth in Application No. 52583, except the rating increases therein for "Chips, Twists or Puffs, flour, meal, dough or mush, NOI" on which a protest was filed. The protest has now been withdrawn and the proposed adjustment appears appropriate.

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

1. The proposed ratings for "Chips, Twists or Puffs, flour, meal, dough or mush, NOI" in Item 72400-A, Sub. 1, of Supplement 27 to the Governing Classification as set forth in Application No. 52583 are reasonable and, to the extent that said ratings will result in increases, such increases are justified.

2. The proposed ratings which applicant will be authorized to establish are suitable to govern the minimum rates established by the Commission.

3. The rates and charges resulting from the application of the aforesaid ratings are, and for the future will be, the just, reasonable and nondiscriminatory minimum rates for the involved transportation by highway carriers subject to the applicable minimum rate tariffs.

Based on the above findings, the Commission concludes that the proposed classification changes for "Chips, Twists or Puffs, flour, meal, dough or mush, NOI" set forth in Application No. 52583 should be authorized, and that such ratings should be adopted and approved, to the extent indicated in the ensuing order, to govern the minimum rates established by the Commission.

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 for "Chips, Twists or Puffs, flour, meal, dough or mush, NOI", as set forth in Application No. 52583 (Item 72400-A, Sub. 1, Supplement 27 of said classification) to become effective not earlier than July 24, 1971, on not less than one day's notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraph 5 hereof, the classification ratings authorized herein are approved and adopted as the just, reasonable and nondiscriminatory ratings to govern the minimum rates promulgated by the Commission in Minimum Rate Tariffs Nos. 1-B, 2, 9-B and 19.

3. Tariff publications required or authorized to be made by common carriers as a result of Ordering Paragraph 2 hereof may be made effective not earlier than the effective date of the publication filed by National Motor Freight Traffic Association, Inc., Agent, pursuant to the authority granted in Ordering Paragraph 1 hereof on not less than one day's notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than 30 days after the effective date of the tariff publication made by said agent pursuant to Ordering Paragraph 1 hereof; and as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within thirty days after the effective date of the tariff publication made pursuant to Ordering Paragraph 1 hereof.

4. The classification ratings 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, 9-B 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, 9-B and 19 and Exception Ratings Tariff No. 1 are authorized to be maintained in connection with the ratings authorized and directed to be established herein.

6. Common carriers, in establishing and maintaining the ratings 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 published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

7. In all other respects, Decision No. 78700 shall remain in full force and effect.

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

Dated at San Francisco, California, this 29th day of June, 1971.

Chairman

Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.