

ORIGINAL

Decision No. 79510

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. 673

And Related Matters

) Case No. 5436, Petition No. 114
) Case No. 5439, Petition No. 151
) Case No. 5441, Petition No. 237
) Case No. 5603, Petition No. 102
) Case No. 7783, Petition No. 47
) Case No. 7857, Petition No. 53
) Case No. 7858, Petition No. 119
) Application No. 52949
)
) (Filed October 28, 1971)
)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification A-12, 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. 52949 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 December 10, 1971, concurrently with the national effective date for such revisions.¹ 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.² 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 December 10, 1971, in 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.

¹ The changes, which are provided in Supplement 5 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), 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.³ 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.⁴

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 28, 1971. The application and petitions were listed on the Commission's Daily Calendar of November 1, 1971.

By letter dated November 6, 1971, Foremost Foods Company objected to the adoption of the proposed classification changes on yogurt (Item 55740 of Supplement 5 to the Governing Classification).

The Transportation Division staff has reviewed the application and petitions and recommends that, except for the proposed changes in the ratings on yogurt, they be granted by ex parte order. The staff also recommends that Petition No. 102 in Case No. 5603 be dismissed as the minimum rate tariff covered by that proceeding is not subject to said Governing Classification.

³ Commission staff analysis reveals that, of the 225 revisions in question, 92 would be published for tariff clarification and simplification to assure proper application of tariff provisions, 35 would be canceled to remove obsolete provisions, 52 would be published for clarification of existing descriptions of articles and notes and 46 would be published as new or reissued items or notes to reflect the transportation characteristics of the articles.

⁴ 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 changes in the ratings on yogurt in Item 55740, as listed in Supplement 5 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. 52949 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.

5. Petition No. 102 in Case No. 5603 should be dismissed in view of the fact that Minimum Rate Tariff 11-A is not subject to National Motor Freight Classification A-12.

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Application No. 52949 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-12 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-12, is authorized to establish and publish the classification ratings and rules set forth in Application No. 52949 except the provisions of Item 55740 therein, to become effective not earlier than January 11, 1972, on not less than one day's notice to the Commission and to 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, 6-A, 9-B, 14-A, 15 and 19.

3. Tariff publications required to be made by common carriers as a result of Ordering Paragraph 2 hereof shall be made effective January 11, 1972, 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 January 11, 1972, 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 March 11, 1972.

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, 6-A, 9-B, 14-A, 15 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, 6-A, 9-B, 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.


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

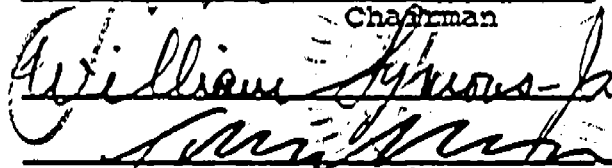
7. Common carriers, in establishing and maintaining the ratings and rules authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; 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.


8. Petition for Modification No. 102 in Case No. 5603 is hereby dismissed without prejudice.


The effective date of this order shall be January 10, 1972.

Dated at San Francisco, California, this 21st day of December, 1971.



Chairman






Commissioners