

ORIGINAL

Decision No. 80820

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 common carriers, highway)
carriers and city carriers relat-)
ing to the transportation of any)
and all commodities between and)
within all points and places in)
the State of California (includ-)
ing, but not limited to, trans-)
portation for which rates are)
provided in Minimum Rate Tariff)
No. 2).)

Case No. 5432
(Petition for Modification
No. 718)
(Filed October 24, 1972)

AND RELATED MATTER)

Case No. 7858)

OPINION AND ORDER

By this petition, International Business Machines Corporation (IBM) seeks amendment of the liberalized packing rules in Exception Ratings Tariff 1 (ERT 1) to include therein provisions permitting the transportation of "adding or computing machines and typewriters and computing machines, combined," when shipped loose, in van-type vehicles equipped with pads and other protective materials, at the lower rates which apply to such articles when shipped in accordance with the packing requirements of National Motor Freight Classification A-12.¹

¹ The rule is set forth in detail in Item 1850 of ERT 1.

Petitioner states that, prior to April 30, 1971, all of the business machines of IBM moved loose between points in California by highway carriers under the provisions of the liberalized packing rules set forth in various Commission minimum rate tariffs. Petitioner points out that, on April 30, 1971, the liberalized packing rules were canceled and the Commission in its Decision No. 78597 provided an exception rule in Item 1850 of ERT 1 to permit the business machines of IBM to continue to move loose without penalty. Petitioner declares that a question has been raised concerning the adequacy of the language in this rule to cover all machines of IBM which formerly moved loose under the provisions of the canceled liberalized packing rules. Petitioner contends that the proposed modification of Item 1850 will serve to eliminate the concern of those who question the rule in its present form.

The verified petition shows that a copy thereof was mailed to the California Trucking Association on or about October 24, 1972. The petition was listed on the Commission's Daily Calendar of October 26, 1972. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that the proposed tariff amendment is reasonable and that the resulting minimum rates will be just, reasonable and nondiscriminatory minimum rates for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Exception Ratings Tariff 1 (Appendix A to Decision No. 66195, as amended) is hereby further amended by incorporating therein, to become effective January 13, 1973, Thirty-fifth Revised Page 3 and Third Revised Page 27-WWWW attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 66195, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

3. Tariff publications authorized 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, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

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

5. In all other respects Decision No. 66195, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 12th day of December, 1972.

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

Vernon L. Sturgis
President
William S. Quisenberry
Alvin M. ...
...
Commissioners

INDEX OF COMMODITIES

COMMODITIES	ITEM	COMMODITIES	ITEM
Acids	1200	Machines, viz.:	
Articles as described in the		Accounting Card	
Governing Classification	1030-1050	* Adding	
Blankets	1800	* Computing	
Carriers, shipping	270	Copying, Duplicating	
Carriers, used packages	320,321,340	or Reproducing	
Cartons, egg, pulp	270	* Typewriters and Computing	
Cases, egg or egg carrier		Machines combined	1850
filler flats, wood pulp	450		
Chemicals	1320	Pads, sanitary	755
Cocoa or Cocoa Paste	480	Paper Articles	1640
Compounds, tree and weed		Plastic film or sheeting	490
killing	460	Recorders, tape	1850
Confectionery	480	Returned Shipments	820
		Salt, common	
Fertilizers	540,560,580	(Sodium Chloride)	880
Film, plastic	490	Sheeting, plastic	490
Flowers, fresh, cut	592	Shipments, returned	820
Kernels, corn, roasted	480	Sod, chopped or not chopped	860
Logs, compressed sawdust	600	Strontium Nitrate	870
		Sugar	940
		Wood, fuel	600
		Wood, kindling	600

* Addition, Decision No.

80820

EFFECTIVE

Correction

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
SAN FRANCISCO, CALIFORNIA

SECTION 2-D—PROVISIONS WHICH ARE EXCEPTIONS TO THE GC	ITEM
(Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)	
ARTICLES	
<p>MACHINES:</p> <p>Business or office, viz:</p> <p>Accounting Card (115740)</p> <p>* 6 Adding or Computing Machines (115760)</p> <p>* 6 Typewriters and Computing Machines combined (116270)</p> <p>Copying, Duplicating or Reproducing, NOX (118250)</p> <p>ELECTRICAL EQUIPMENT:</p> <p>Tape Recorders (62860), minimum weight 500 pounds for each complete unit.</p> <p>Commodities referred to herein may be shipped loose subject to provisions of Notes 1, 2 and 3.</p> <p>NOTE 1.—The provisions of this item apply only in connection with transportation performed in a van-type vehicle commonly used for the transportation of household goods or electronic equipment and normally equipped with pads, covers, dividers and other protective materials, tie-downs and dollies necessary for such transportation.</p> <p>NOTE 2.—The provisions of this item apply only in connection with transportation of straight shipments of the commodities referred to herein, except that with shipments of commodities named in Item 118250 of the GC there may be included (not to exceed ten pounds in weight) kits, business or office copying, duplicating or reproducing machine (108030).</p> <p>NOTE 3.—The provisions of this item apply only in connection with shipments released to 50¢ per pound per article. The bill of lading issued for any shipment accepted for transportation at this rate shall have printed on the face thereof a statement reading as follows:</p> <p>"Unless a different value is declared, the shipper hereby releases the property to a value of 50¢ per pound per article."</p>	11850
<p>6 Change)</p> <p>* Addition) Decision No.</p> <p>6 Reduction)</p> <p style="text-align: center;">80820</p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.