

ORIGINAL

Decision No. 80822

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 2).

Case No. 5432
Petition for Modification
No. 720
(Filed October 26, 1972)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) contains minimum class and commodity rates which govern the highway transportation of general commodities within California. Except as otherwise specifically provided in MRT 2, the class rates named in the tariff are subject to the class ratings and rules set forth in the National Motor Freight Classification A-12 (NMFC A-12). Item 318 of MRT 2 contains provisions which are exceptions to those named in the governing classification for the transportation of certain reinforced concrete products as described in Items 32020 and 32690 of NMFC A-12. Those exception ratings are scheduled to expire with December 31, 1972.

Item 318 of MRT 2 was initially scheduled to expire on December 31, 1970, but the date was extended to June 30, 1971, again to December 31, 1971 and finally to December 31, 1972 pursuant to Decisions Nos. 78069, 78817 and 79332, respectively, in Case No. 5432. The exception ratings for reinforced concrete products were continued in effect in order to provide additional time for shippers and carriers to complete their studies.

Petitioner, Prestressed Concrete Manufacturers Association of California, Inc., asserts that the reason the petition which resulted in Decision No. 79332 was filed was to enable the Commission to act upon a request that the Commission staff undertake a

cost study to provide a basis for the establishment of reasonable minimum rates for the transportation of prestressed concrete articles. This request was the result of the proponents' inability to obtain carriers' records necessary to the making of a cost study.

In May 1972, the Secretary of the Commission advised Mr. Kaspar of the California Trucking Association by letter that the "staff plans to initiate a study of the rates and charges for those items (pre-stress concrete articles) which is expected to be completed by December 1972." The study is now scheduled to be completed in January 1973.

By this petition, petitioner seeks an extension of the expiration date of December 31, 1972 until March 31, 1973.

Petitioner states that "both shippers and carriers are dissatisfied with the existing exception ratings but both are in agreement that to permit the existing exception ratings to expire and allow Class 35 to apply to all the commodities would result in unreasonably high charges".

A copy of the petition was mailed to the California Trucking Association on October 25, 1972. The petition was also listed on the Commission's Daily Calendar of October 27, 1972. No objection to the granting of the petition has been received.

After consideration, the Commission finds that:

1. The Commission staff is studying the transportation of pre-cast reinforced concrete articles. The study is scheduled to be completed in January 1973.
2. The expiration date of Item 318 of MRT 2 should be extended until a decision is rendered in a future proceeding concerning the study set forth in Finding 1.

The Commission concludes that:

1. The expiration date of Item 318 of Minimum Rate Tariff 2 should be extended.
2. It is unlikely that the decision referred to in Finding 2 will be forthcoming prior to March 31, 1973.

3. The expiration date of Item No. 318 of Minimum Rate Tariff 2 should be extended to June 30, 1973.

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective January 1, 1973, Thirteenth Revised Page 30-B, 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. 31606, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

3. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than five days after the effective date of this order on not less than five days' 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 the order herein may be made effective not earlier than five days after the effective date of this order and may be made effective on not less than five 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 page incorporated in this order.

4. 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 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 rates 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. 31606, as amended, shall remain in full force and effect.

The effective date of this order shall be December 20, 1972.

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

Yuan L. Sturgeon
President
William Symons
[Signature]
[Signature]
Commissioners

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

MINIMUM RATE TARIFF 2

| SECTION 1--RULES OF GENERAL APPLICATION (Continued) | | | ITEM |
|--|---------------------|-------------|-------------|
| EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued) (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.) | (1) CLASS RATING | | |
| | Column 1 | Column 2 | |
| Beams, Channels, Columns, Girders or Joists, reinforced concrete (32020)----- | 35 | 37½ | 6(E) 318 |
| Piling, cement or concrete (32020)----- | 35.4 | 35.3 | |
| Tile or Slab, building or roofing, reinforced concrete (32690) | | | |
| With corkboard, fibreboard or plasterboard insulation----- | 35.3 | 35.2 | |
| With glass insertions----- | 35.3 | 35.2 | |
| Without glass insertions or corkboard, fibreboard or plasterboard insulation----- | 35.4 | 35.3 | |
| Minimum Weight 45,000 pounds | | | |
| Column 1 ratings do not apply to permit shipments as defined in Item 11. | | | |
| Column 2 ratings apply to permit shipments as defined in Item 11. | | | |
| (1) Subject to Notes 1 through 4. | | | |
| NOTE 1.--Applies only when all provisions of the following Notes are met. Otherwise, apply provisions of the Governing Classification. | | | |
| NOTE 2.--Applies only in connection with prepaid shipments released to one-half actual value or 50 cents per pound, per article, whichever is less. Shipper must enter the following statement on the bill of lading or shipping document as follows: | | | |
| "The agreed or declared value of the property is hereby specifically stated by the shipper to be one-half of actual value or 50¢ per pound, per article, whichever is less." | | | |
| If shipper fails or declines to declare such value in writing, the provisions of this item will not apply. | | | |
| NOTE 3.--Applies only in connection with shipments loaded by consignor and unloaded by consignee with power equipment, as described in Item 11, furnished and used without expense to the carrier. | | | |
| NOTE 4.--If more than one vehicle or combination of vehicles constituting a single unit of carrier's equipment is used for the transportation of a single shipment, each such vehicle or combination of vehicles shall be subject to the highest minimum weight applicable to any rate used in computing charges. | | | |
| 6(E) Expires with June 30, 1973. | | | |
| 6 Change, Decision No. 80822 | | | |
| EFFECTIVE | | | |
| Correction | | | |
| ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA. | | | |