

ORIGINAL

Decision No. 80859

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
National Motor Freight Traffic Associ-)
ation, Inc., Agent, for and on behalf)
of certain highway common carriers and)
express corporations, for authority to)
make various revisions in National)
Motor Freight Classification A-12.)

Application No. 53704
(Filed November 21, 1972)

In the Matter of the Investigation into)
the rates, rules, regulations, charges,)
allowances and practices of all common)
carriers, highway carriers and city)
carriers relating to the transpor-)
tation 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. 723)
(Filed November 21, 1972)

And Related Matters

)
) Case No. 5436, Petition No. 129
) Case No. 5439, Petition No. 170
) Case No. 5441, Petition No. 257
) Case No. 5603, Petition No. 112
) Case No. 7783, Petition No. 61
) Case No. 7857, Petition No. 66
) Case No. 7858, Petition No. 141
)
)
)
)
)

(Filed November 21, 1972)

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. 53704, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to publish specific revisions in the Governing Classification effective December 30, 1972, concurrently with the national effective date for such revisions.¹ By the above petitions, California Trucking Association seeks to make the proposed provisions applicable to 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

¹ The proposed changes, which are provided in Supplement 33 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 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 1.

known to the carriers and shippers. Applicants allege that the sought revisions have been authorized by the National Classification Board, after due process, and generally become effective December 30, 1972, 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.

A review of applicant's proposed revisions indicates that there are only two items being revised, both pertaining to packaging requirements, one resulting in a reduction and the other could result in an increase should the governing expiration dates not be extended when necessary to do so. These changes are within the framework of the criteria heretofore announced by this Commission for establishing revisions in the Governing Classification on California intrastate traffic.³

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about November 20, 1972. The application and petitions were listed on the Commission's Daily Calendar of November 24, 1972. No objection to the granting of the application and petitions has been received.

The Transportation Division staff has reviewed the application and petitions and recommends that they be granted by ex parte order.

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

1. The proposed classification revisions set forth in Application No. 53704 are reasonable and, to the extent that said revisions will

³ See Decision No. 68324 in Case No. 5432, et al., 63 Cal.P.U.C. 728.

result in increases, such increases are justified.

2. 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.

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

Pursuant to the requirements of Rule 23.1 of the Commission's Rules of Procedure, the Commission further finds that: (1) it is impossible to determine the effect of the aforementioned classification revisions on the carriers' revenues and net earnings as the total amount of intrastate traffic handled within California under the classification ratings in question and the total revenue earned by highway carriers, individually or collectively, under such classification ratings are not known and (2) classification changes of the type authorized herein are not cost-based having been determined on evaluations of the transportation characteristics of the involved commodities as compared with all other commodities offered for transportation.

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Application No. 53704 should be authorized, and that such revisions 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. 53704 to become effective not earlier than December 30, 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 just, reasonable and nondiscriminatory ratings and rules to govern the rates and rules promulgated by the Commission in Minimum Rate Tariffs 1-B, 2, 9-B, 14-A and 19.

3. Tariff publications required to be made by common carriers as a result of Ordering Paragraph 2 hereof shall be filed not earlier than the effective date of this order and shall be made effective December 30, 1972, on 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 the order herein may be made effective not earlier than December 30, 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 February 28, 1973.

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 1-B, 2, 9-B, 14-A 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 1-B, 2, 9-B, 14-A and 19 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 1 and Minimum Rate Tariffs 1-B, 2, 9-B, 14-A 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.

The effective date of this order shall be December 28, 1972.

Dated at San Francisco, California, this 19th day of December, 1972.

Vernon L. Spurgeon
President
William J. Evans
William J. Evans
William J. Evans
William J. Evans
Commissioners