

EX

Decision No. 81883

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of National Motor Freight Traffic)
Association, Inc., Agent, for and)
on behalf of certain highway common)
carriers and express corporations,)
for authority to make various re-)
visions in National Motor Freight)
Classification A-13.)

Application No. 54070
(Filed May 30, 1973)

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 (including,)
but not limited to, transportation)
for which rates are provided in)
Minimum Rate Tariff No. 2).)

Case No. 5432
(Petition for Modification
No. 754)
(Filed May 30, 1973)

And Related Matters

) Case No. 5436, Petition No. 140
) Case No. 5439, Petition No. 181
) Case No. 5441, Petition No. 268
) Case No. 5603, Petition No. 124
) Case No. 7783, Petition No. 72
) Case No. 7857, Petition No. 78
) Case No. 7858, Petition No. 154
) (Filed May 30, 1973)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification A-13, 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. 54070 National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to publish specific revisions in the Governing Classification.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 pertain to the packaging of explosives and ratings on candy canes which resulted from compliance orders of the Interstate Commerce Commission and minor changes in wording in reissued matter concerning candy, confectionery, cushions, pads and pillows. These changes are within the

¹ The changes, which are provided in Supplement 15 to the Governing Classification, are set forth in Exhibit A 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.

framework of the criteria heretofore announced by this Commission for establishing revisions in the Governing Classifications 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 May 30, 1973. The application and petitions were listed on the Commission's Daily Calendar of May 31, 1973. No objection to the granting of the application and petitions has been received.

In the circumstances, the Commission finds that:

1. The proposed classification revisions set forth in Application No. 54070 are reasonable and, to the extent that said ratings and rules may 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 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.

4. A public hearing is not necessary.

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Application No. 54070 should be authorized and 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.

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

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The Commission further concludes that the involved participating common carriers in applicant's National Motor Freight Classification A-13 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.

Since the necessary minimum rate tariff amendments in the instant proceedings and in Case No. 5432 (Petitions for Modification Nos. 761 and 763) et al., involve the same tariff items, the tariff amendments required herein will be issued when a decision is rendered in the latter proceedings.

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-13, is authorized to establish and publish the classification ratings and rules set forth in Application No. 54070 to become effective not earlier than October 19, 1973 on not less than ten days' 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 1-B, 2, 9-B, and 19.
3. Tariff publications required to be made by common carriers as a result of Ordering Paragraph 2 hereof shall be made effective October 19, 1973, on not less than ten 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 Ordering Paragraph 2 hereof may be made effective not earlier than October 19, 1973, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than December 18, 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 and 19.

5. Any provisions currently maintained in common carrier tariffs, which are more restrictive or produce charges greater than those contained in Minimum Rate Tariffs 1-B, 2, 9-B and 19 and Exception Ratings Tariff 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 1 and Minimum Rate Tariffs 1-B, 2, 9-B and 19.

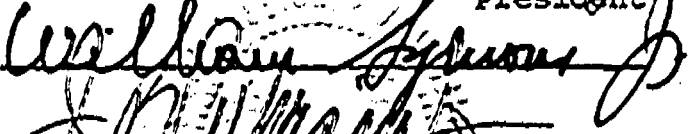
7. Common carriers, in establishing and maintaining the ratings and rules authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations;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


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

Dated at San Francisco, California, this 14th day of September, 1973.



President






Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.