

Decision No. 81915**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 com-)
 mon carriers and express corpora-)
 tions, for authority to make)
 various revisions in National)
 Motor Freight Classification A-13)
 (ICC-NMF-100).)

Applications
 Nos. 54253, 54254 and 54258
 (Filed August 21, 21 and 22,
 1973, respectively)

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
 Petitions for Modification
 Nos. 761, 762 and 763
 (Filed August 21, 21 and 22,
 1973, respectively)

And Related Matters

) Case No. 5436
) Petitions Nos. 145, 146 and 147
) Case No. 5439
) Petitions Nos. 185, 186 and 187
) Case No. 5441
) Petitions Nos. 272, 273 and 274
) Case No. 5603
) Petitions Nos. 128, 129 and 130
) Case No. 7783
) Petitions Nos. 77, 78 and 79
) Case No. 7857
) Petitions Nos. 81, 82 and 83
) Case No. 7858
) Petitions Nos. 158, 159 and 160
)
) (Filed August 21, 21 and 22,
) 1973, respectively)

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, various Commission minimum rate tariffs are subject to the class ratings and/or other provisions of such classification.

By Applications Nos. 54253, 54254 and 54258, 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 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 known to the carriers and shippers. Applicants allege that the sought revisions have been authorized by

¹ The proposed changes, which are provided in Supplements 20, 21 and 22, respectively, to the Governing Classification, are set forth in Exhibits A and related justifications are set forth in Exhibits B, which exhibits are attached to the applications involved in this proceeding.

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.

the National Classification Board, after due process and that such revisions, if authorized, would permit maintenance of uniformity of classification provisions between California and the rest of the nation. 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 August 20, 1973. The application and petitions were listed on the Commission's Daily Calendars of August 22 and 24, 1973. No objection to the granting of the application and petitions has been received.

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

1. The proposed classification revisions set forth in Applications Nos. 54253, 54254 and 54258 are reasonable and, to the extent that said revisions will 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.

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Applications

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

Nos. 54253, 54254 and 54258 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-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. The necessary amendment to Minimum Rate Tariff 2 will be made in the order which follows. Amendments to Minimum Rate Tariffs 1-B, 9-B and 19 will be made by separate order to avoid duplication of tariff distribution.

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 Applications Nos. 54253, 54254 and 54258 to become effective not earlier than October 19, 1973, on not less than one day's notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraph 7 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 and 19.

3. Minimum Rate Tariff 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein to become effective October 19, 1973, Third Revised Page 15-C, attached hereto and by this reference made a part hereof.

4. 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

October 19, 1973, 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 October 19, 1973, 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 December 18, 1973.

5. 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.

6. 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 and 19 are authorized to be maintained in connection with the ratings and rules authorized and directed to be established herein.

7. Except as provided in Ordering Paragraph 6 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.


8. 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


A. 54253, C. 5432 (Pet. 761) et al. - ms


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 twenty days after the date hereof.

Dated at San Francisco, California, this 25th day of September, 1973.



President






Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>1. This tariff is governed to the extent shown herein by:</p> <p>(a) The Governing Classification, except that this tariff is subject to the following rules (items) only thereof (See Notes 1 and 2):</p> <p>110. Sections 1, 3(a), 3(b), 3(c), 3(d), 4, 4(a), 4(b), 5, 6(a), 6(b), 6(c), 7, 7(a), 7(b), 7(c), 7(d), 8, 8(a), 8(b), 9, 10, 11(a), 11(b), 11(c), 12, 12(a), 12(b), 12(c), 12(d), 12(e), 12(f), 13(a), 13(b), 13(c), 14, 15, 15(a), 15(b), 15(c), 15(d), 15(e) and 16;</p> <p>200; 205; 210; 215; 220; 222; 225; 230; 235; 240; 245; 250; 255; 257; 260; 265; 270; 275; 280; 285; 291; 292; 294; 296; 297; 300; 310;</p> <p>360. Sections 1, 1(a), 1(b), 1(c), 1(f), 1(g), 1(h), 2, 2(a), 2(c), 2(d), 3 and 5;</p> <p>381; 420. Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428;</p> <p>430. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), 13 and 14;</p> <p>455; 520; 535; 540; 565; 580; 595; 640; 645; 680; 685; 687; 689; 765; 770, Section 2; 780, Section 2; 810;</p> <p>845; 995; 997 (Section 2 only).</p> <p>NOTE 1.--The provisions of Item 55740 of the Governing Classification are not applicable on California intrastate traffic.</p> <p>NOTE 2.--Where dual provisions are set forth in Item 190210 of the Governing Classification, only those provisions of said item preceded with the reference (P4) will apply on California intrastate traffic.</p> <p>The explanations of such references are not, however, applicable to California intrastate traffic.</p> <p>(b) The Exception Ratings Tariff.</p> <p>(c) The Dangerous Articles Tariff (California Regulations).</p> <p>(d) The Distance Table.</p> <p>2. Where the ratings and rules or other provisions or conditions provided in the governing publications described in paragraphs 1(a), (b) and (d) hereof are in conflict with those provided in this tariff, the provisions of this tariff will apply. Except as otherwise specifically provided in this tariff, where the provisions of the Dangerous Articles Tariff are in conflict with the provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs 1(a), (b) and (d) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	850
<p>Change, Decision No. 81915</p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>