

Decision No. 82331**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 ICC-
 NMF-100.

Application No. 54458
 (Filed November 20, 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. 776)
 (Filed November 20, 1973)

And Related Matters

Case No. 5436, Petition No. 154

Case No. 5439, Petition No. 197

Case No. 5441, Petition No. 284

Case No. 5603, Petition No. 137

Case No. 7783, Petition No. 83

Case No. 7857, Petition No. 91

Case No. 7858, Petition No. 166

(Filed November 20, 1973)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification ICC-NMF-100, 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. 54458, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to publish a less truckload rating of Class 110 in lieu of Class 100 on plastic hair curlers in the Governing Classification.¹ By the above petitions, California Trucking Association seeks to make the proposed classification revision 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

¹The proposed change, which is provided in Supplement 28 to the Governing Classification, is set forth in Exhibit A attached to the application.

²The tariffs are Minimum Rate Tariffs 1-B (East Bay Drayage), 2 (General Commodities Statewide), 9-B (San Diego Drayage) and 19 (San Francisco Drayage).

revision has been authorized by the National Classification Board, after due process, and generally became effective December 21, 1973, for tariffs covering areas other than California and that such revision, if authorized, would permit maintenance of uniformity of classification provisions between California and the rest of the nation. The change is 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, 1973. The application and petitions were listed on the Commission's Daily Calendar of November 23, 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 revision set forth in Application No. 54458 is reasonable and, to the extent that said revision will result in increases, such increases are justified.
2. The proposed rating which applicant will be authorized to establish is suitable to govern the minimum rates established by the Commission.
3. The rates and charges resulting from the application of the aforesaid revision are, and for the future will be, the just, reasonable and nondiscriminatory minimum rates and charges for the transportation of plastic hair curlers by highway carriers subject to the applicable minimum rate tariffs.

Based on the above findings, the Commission concludes that the proposed classification change set forth in Application No. 54458 should be authorized, and that such revision should be adopted and approved, to

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

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 ICC-NMF-100 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:

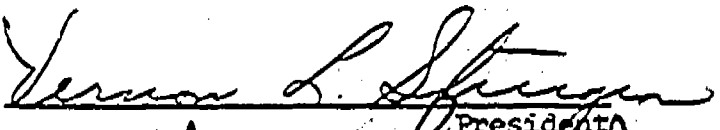
1. National Motor Freight Traffic Association, Inc., Agent, on behalf of the involved common carriers participating in National Motor Freight Classification ICC-NMF-100 is authorized to establish and publish the classification rating set forth in Application No. 54458 to become effective not earlier than January 25, 1974, on not less than one day's notice to the Commission and to the public.
2. The classification rating authorized herein is approved and adopted as the just, reasonable and nondiscriminatory rating to govern the 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 the order herein shall be filed not earlier than the effective date of this order and shall be made effective January 25, 1974, on not less than 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 January 25, 1974, 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 1, 1974.
4. The classification rating authorized to be established by the order herein is authorized to be made applicable also for the transportation of plastic hair curlers between points for which minimum rates have not been established.

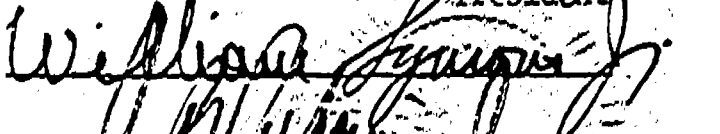
5. Any provisions currently maintained in common carrier tariffs which are more restrictive than, or which produce charges greater than those contained in Minimum Rate Tariffs 1-B, 2, 9-B and 19 are authorized to be maintained in connection with the rating authorized and directed to be established herein.


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

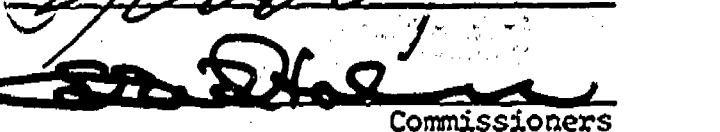
The effective date of this order shall be January 21, 1974.

Dated at San Francisco, California, this 15th day of January, 1974.



President






Commissioners