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Decision No. 82538

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  
NMF-100.

Application No. 54623  
(Filed February 1, 1974)

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. 790)  
(Filed February 1, 1974)

And Related Matters

Case No. 5436, Petition No. 161  
Case No. 5439, Petition No. 204  
Case No. 5441, Petition No. 291  
Case No. 5603, Petition No. 143  
Case No. 7783, Petition No. 91  
Case No. 7857, Petition No. 98  
Case No. 7858, Petition No. 170  
(Filed February 1, 1974)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification 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. 54623, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers to cancel from the Governing Classification ratings on reel cores or drums and cellulose film, which were under suspension, and republish the current ratings on these commodities in said classification.<sup>1</sup> By the above petitions, California Trucking Association seeks to make the proposed provisions applicable to certain Commission minimum rate tariffs.<sup>2</sup> 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.

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<sup>1</sup> The proposed changes, which are provided in Supplement 33 to the Governing Classification, are set forth in Exhibit A attached to the application.

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

Applicants allege that the sought revisions have been authorized by the National Classification Board, after due process, and generally became effective February 28, 1974, 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. The changes are within the framework of the criteria heretofore announced by this Commission for establishing revisions in the Governing Classification on California intrastate traffic.<sup>3</sup>

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about January 31, 1974. The application and petitions were listed on the Commission's Daily Calendar of February 5, 1974. 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 Application No. 54623 are reasonable and justified.
2. The ratings which applicant will be authorized to republish, except to the extent that said ratings 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 the involved commodities by highway carriers subject to the applicable minimum rate tariffs.

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

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Application No. 54623 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 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 NMF-100, is authorized to establish and republish the classification ratings set forth in Application No. 54623 to become effective not earlier than March 21, 1974, 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 authorized herein are approved and adopted as the just, reasonable and nondiscriminatory ratings to govern the rates 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 filed not earlier than the effective date of this order and shall be made effective March 21, 1974, 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 March 21, 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 March 28, 1974.

4. The classification ratings authorized to be republished by the order herein are authorized to be made applicable also for the transportation of reel cores and cellulose film 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 ratings authorized and directed to be republished herein.


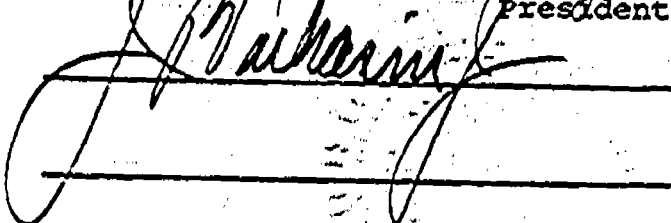

6. Except as provided in Ordering Paragraph 5 hereof, common carriers are not authorized to publish ratings and rules which are different from and are superseded by, present exceptions contained in Exception Ratings Tariff 1 and Minimum Rate Tariffs 1-B, 2, 9-B and 19.

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

A. 54623, C. 5432 (Pet. 790) et al. - HK

The effective date of this order shall be March 18,  
1974.

Dated at San Francisco, California, this 5th day of  
March, 1974.

  
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President  
  
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Commissioners

Commissioner William Symons, Jr., being  
necessarily absent, did not participate  
in the disposition of this proceeding.

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