

ORIGINALDecision No. 82575

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
 into the rates, rules, regulations,)
 charges, allowances and practices)
 of all household goods carriers,)
 common carriers, highway carriers)
 and city carriers relating to the)
 transportation of used household)
 goods and related property.)

Case No. 5330

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariff 4-B names minimum rates and rules for the statewide transportation of uncrated used household goods and related articles by highway carriers.

Informal Ruling 206 was issued by the Commission's Transportation Division in response to questions propounded by the public concerning certain information which should be shown on the confirmation of shipping instructions and rate quotation document. The ruling indicated that, unless the number of men who will perform the service under a particular hourly move is shown on the document in question, such document is incomplete and does not comply with the requirements of Item 145 of Minimum Rate Tariff 4-B. Questions continue to arise regarding the application of the aforementioned documentary requirements and the need to show the number of helpers and packers on the involved document has been alleged to be subject to different interpretations.

In the circumstances, the Commission finds that such documentary requirements should be clarified. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariff 4-B should be amended accordingly.

IT IS ORDERED that:

1. Minimum Rate Tariff 4-B (Appendix C to Decision No. 65521, as amended) is further amended by incorporating therein, to become effective April 12, 1974, the revised pages attached hereto and listed in Appendix A also attached hereto which pages and appendix by this reference are made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 65521, as amended, are directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.
3. Tariff publications required or authorized 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 may be made effective not earlier than the tenth day after the effective date of this order, on not less than ten days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than April 12, 1974; and as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within sixty days after the effective date hereof.
4. Common carriers, in establishing and maintaining the amendments 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 amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.
5. In all other respects, Decision No. 65521, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 12th day of March, 1974.

William L. Stearn
President
William J. Moran, Jr.
John A. Moran
Thomas Moran
Commissioners

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

APPENDIX A

LIST OF REVISED PAGES
TO MINIMUM RATE TARIFF 4-B

THIRD REVISED PAGE 7-BBB

SIXTH REVISED PAGE 13

FOURTH REVISED PAGE 14

THIRD REVISED PAGE 16

SIXTH REVISED PAGE 31

SECOND REVISED PAGE 31-A

FOURTH REVISED PAGE 32

SECOND REVISED PAGE 32-A

(END OF APPENDIX A LIST)

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">DELIBERATE UNDERESTIMATING</p> <p>Every Household Goods Carrier and officer, director, agent or employee of any Household Goods Carrier who deliberately underestimates charges applicable to the carriage of goods under Minimum Rate Tariff 4-B, in order to encourage a shipper to engage its transportation services is subject to the penalties and restrictions provided in Articles 7 and 8 of the Household Goods Carriers Act. For the purposes of this rule, a deliberate underestimate shall mean the tendering of a willful and intentional quotation of probable cost of services less than that required by application of unit costs prescribed in Minimum Rate Tariff 4-B, with knowledge that the actual charges required by the tariff will be more than the amount of the quotation or estimate.</p>	33.5
<p style="text-align: center;">ADDENDUM ORDER FOR SERVICES</p> <p>1. If at time of pickup or thereafter, the shipper asks for additional services or adds additional articles to the shipment that were not covered in the Basis for Carrier's Probable Cost of Services document, the carrier shall prepare in duplicate an Addendum Order for Service document (Item 453). Such document shall be signed by the carrier and shipper prior to the commencement of performance of any service specified therein, and the signed original delivered to the shipper prior to or at the time such service is begun. The document shall contain the following information:</p> <ul style="list-style-type: none"> (a) Date. (b) Name and address of carrier or carriers. (c) Description of shipment (Additional only). (d) Description of transportation and accessorial services to be performed *(including number of helpers and number of packers to be provided). (e) Rates and charges. (f) Valuation of shipment (Subject to conditions set forth in NOTE 4 - Item 150). (g) Insurance (Subject to conditions set forth in NOTE 5 - Item 150). (h) The following statements shall be placed upon the document: (In letters not less than 10 point bold, universe or Gothic.) <ul style="list-style-type: none"> (1) THIS WILL CERTIFY AND ATTEST THAT SHIPPER OR SHIPPER'S REPRESENTATIVE AS SHOWN ON ORDER FOR SERVICE NO. _____ DATED _____ WITH (CARRIER'S NAME) _____ REQUESTS THE FOLLOWING ADDITIONAL SERVICES AND CHARGES. (2) I UNDERSTAND THAT I MAY BE REQUIRED TO PAY FOR THE SERVICES REQUESTED ABOVE AT TIME OF DELIVERY. THESE CHARGES ARE IN ADDITION TO THOSE CHARGES SET FORTH ON PREVIOUS PROBABLE COST OF SERVICES DOCUMENT. CARRIER IS NOT REQUIRED TO EXTEND CREDIT IN THE AMOUNT OF THE CHARGES ACCRUED FOR THE ABOVE ADDITIONAL SERVICES. <p style="text-align: center;">I HAVE READ THIS CONTRACT AND AGREE WITH THE PROVISIONS THEREOF, AND RECEIVED A COPY.</p> <p>(1) Signature of carrier and shipper or his representative.</p> <p>2. The form of the Addendum Order for Service document in Item 453 will be suitable and proper.</p> <p>3. The duplicate of each document issued in compliance with the provisions of this item shall be retained and preserved by the issuing carrier, subject to the Commission's inspection, for a period of not less than three years from the date thereof.</p>	33.7
<p>(1) Second Revised Page 7-BBB was suspended by Supplement 21.</p> <p>Change) Addition) Decision No. 82575</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

MINIMUM RATE TARIFF 4-B

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">SHIPPING ORDER AND FREIGHT BILL</p> <p>1. A shipping document shall be issued by the carrier to the shipper for each shipment received for transportation. The shipping document shall show the following information:</p> <ul style="list-style-type: none"> (a) Name and address of carrier. (b) All names, both real and fictitious, used by carrier in conducting its operations. (c) Identification of the name under which the particular transportation is performed where more than one name is listed. (d) The address of its principal place of business, designated as such, and of such local offices as may be desired where business with the public is conducted. (e) Date issued. (f) Name of each shipper and consignee. (g) Points of origin and destination. (h) Description of the shipment, and the agreed or declared valuation thereof. (i) Unit of measurement upon which charges are based, viz.: <ul style="list-style-type: none"> (1) Actual and minimum number of hours involved; or (2) Actual number of pieces; or (3) Actual and minimum weight. (j) Deductions in time, if any, and reasons therefor. (k) Number of helpers *and packers. (l) Rates and charges assessed. (m) Description of accessorial services performed, if any, and each separate charge therefor. (n) Insurance or optional carrier obligation, type and amount thereof, if any, and charge therefor. (o) Signature of carrier, or his agent. (p) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge. (q) Name, address, and telephone number of a person to whom notification provided for in Item 162 shall be given, except when this cannot be obtained from the shipper. (r) Preferred delivery date or the period of time within which delivery of the shipment may be expected to be made at destination. (s) Total amount by which total charges exceed the probable cost of service, <ul style="list-style-type: none"> (1) Over and above 10 percent or \$25.00, whichever is greater, on shipments involving rates provided in Items 300 and 320 or, (2) Over and above 25 percent or \$25.00, whichever is greater, on shipments involving rates provided in Item 330. (t) Waiver of extension of credit. (u) Signature of shipper or shipper's representative and date. <p>2. The form of shipping document in Item 400 will be suitable and proper. Such form may be combined with the confirmation of shipping instructions and rate quotation document form provided such combined form and the issuance thereof are in compliance with the provisions of this item and Items 145 and 150 and properly identified as to what it purports to be.</p> <p>3. A copy of each shipping document, freight bill, accessorial service document, weighmaster's certificate, written instructions, written agreement, written request or any other written document which supports the rates and charges assessed and which the carrier is required to issue, receive or obtain by this tariff for any transportation or accessorial service shall be retained and preserved by the carrier, at a location within the State of California, subject to the Commission's inspection, for a period of not less than three years from the date of issue.</p>	<p style="text-align: center;">§130</p>
<p>(1) Fourth Revised Page 17 was suspended by Supplement 21.</p> <p>§ Change) * Addition) Decision No. 82575</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

MINIMUM RATE TARIFF 4-B

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">CONFIRMATION OF SHIPPING INSTRUCTIONS AND RATE QUOTATION (Items 145 and 150)</p> <p>1. A confirmation of shipping instructions and rate quotation document shall be prepared in duplicate by the carrier for each shipment tendered for transportation. Such document shall be signed by the carrier and shipper prior to the commencement of performance of any service specified therein, and the signed original or duplicate thereof delivered to the shipper prior to or at the time such service is begun. Such documents shall contain the following information:</p> <ul style="list-style-type: none"> (a) Date. (b) Date and time of pickup requested or other arrangement. (c) Name and address of carrier or carriers. (d) Names of shippers and consignees. (e) Name, address or telephone number of party to be notified. (See NOTE 1.) (f) Description of notification and delivery arrangements. (See NOTE 2--Item 150) (g) Points of origin and destination. (h) Description of shipment. ø (i) Description of transportation and accessorial services to be performed * (including number of helpers and number of packers to be provided). (j) Rates and charges (including minimum weights, minimum hours, other units of measurement, or minimum charges, when they are to be applied) quoted for the services described in the documents. (See NOTE 3--Item 150) (k) Valuation of shipment. (See NOTE 4--Item 150) (l) Insurance or optional carrier obligation. (See NOTE 5--Item 150) (m) Signatures of carrier and shipper. (n) Name, address, and telephone number of a person to whom notification provided for in Item 162 shall be given, except when this cannot be obtained from the shipper. (o) Preferred delivery date or the period of time within which delivery of the shipment may be expected to be made at destination. <p>2. The form of confirmation of shipping instructions and rate quotation document in Item 420 will be suitable and proper. Such form may be combined with the shipping document form into a single document, provided such combined form and the issuance thereof are in compliance with the provisions of this item and Item 130 and properly identified as to what it purports to be.</p> <p>3. The original or duplicate of each document issued in compliance with the provisions of this item shall be retained and preserved by the issuing carrier, subject to the Commission's inspection, for a period of not less than three years from the date thereof.</p> <p>NOTE 1--Carrier shall request of the shipper, notification party, address, or telephone number. When shipper cannot furnish such information or declines to do so, that fact must be shown on the document.</p> <p style="text-align: center;">(Concluded in Item 150)</p>	<p style="text-align: center;">ø145</p>
<p>(1) Second Revised Page 14 was suspended by Supplement 21.</p> <p>ø Change) * Addition) Decision No. 82575</p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

MINIMUM RATE TARIFF 4-B

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">OBSERVANCE OF QUOTED RATES AND CHARGES</p> <p>Rates and charges no higher than those specified in the confirmation of shipping instructions and rate quotation documents issued pursuant to the provisions of Items 145 and 150 shall be assessed on each shipment transported over the line of a single carrier, or over the lines of two or more carriers under a joint or agency arrangement, except as provided in paragraphs (a) or (b) below:</p> <p>(a) When charges determined on the quoted basis are lower than those resulting under the minimum rates provided in this tariff the latter shall be used.</p> <p>§(b) If, prior to the rendition of any transportation, the carrier fails to issue a confirmation of shipping instructions and rate quotation document, or if such document is issued but does not contain the information specified in subparagraphs 1, 2, 3, 4 *or 5 below, rates and charges no higher than the minimum rates and charges named in this tariff shall be assessed. (See NOTE). When application of this tariff permits charges to be computed upon alternative units of measurement the minimum rate and charge shall be the lowest rate and charge developed on the basis of the available information with respect to all of the authorized alternative units of measurement.</p> <ol style="list-style-type: none"> §1. A description of the transportation and accessorial services ordered to be undertaken *(including number of helpers and number of packers to be provided). 2. Rates (including minimum weights, minimum hours, or minimum charges, when they are to be applied) quoted for the services so described. 3. Agreed or declared value of the property per pound per article. 4. Signature of shipper. 5. Signature of carrier. <p>NOTE.--The shipment shall have a released valuation of 60 cents per pound per article.</p>	<p style="text-align: center;">§155</p>
<p style="text-align: center;">INABILITY TO MAKE DELIVERY</p> <p>(a) In all instances where carrier is unable to locate the consignee, notification of inability to make delivery will be mailed or telegraphed to the consignee, consignor or owner, or written notice delivered to the premises where actual delivery was to be effected or to other notifying address, and the shipment will be placed in the nearest warehouse of the carrier, or at the option of the carrier, in a public warehouse; and upon such placement the carrier's liability shall cease and liability shall thereafter be that of the warehouseman in possession.</p> <p>(b) In all instances where the consignee is unable to take delivery or declines to accept delivery of the shipment, or where the shipment remains in carrier's possession, pursuant to instructions of the shipper or the consignee, and is not stored in transit under the provisions of Item 180, the shipment will be placed in the nearest warehouse of the carrier, or at the option of the carrier, in a public warehouse; and upon such placement the carrier's liability shall cease and liability shall thereafter be that of the warehouseman in possession.</p> <p>(c) In cases where a "subsequent delivery" is made, charges will be assessed for such "subsequent delivery" on the basis of charges lawfully applicable from carrier's terminal or from public warehouse (as the case may be) to the point of destination.</p>	<p style="text-align: center;">160</p>
<p>(1) Second Revised Page 16 was suspended by Supplement 21.</p> <p>§ Change) Decision No. 82575 * Addition)</p>	
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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

MINIMUM RATE TARIFF 4-R

SECTION 4--FORMS OF DOCUMENTS							ITEM
SHIPPING ORDER AND FREIGHT BILL FOR UNCRATED USED HOUSEHOLD GOODS AND RELATED ARTICLES (Items 400 and 410)							
Name of Carrier _____ Address _____ Shipper _____ Street Address _____ City _____				Bill No. _____ Date Issued _____ Consignee _____ Street Address _____ City _____			
Destination telephone number and notification address if different than delivery address _____							
Description of Property	AT RATES IN CENTS PER HOUR Units of Equipment: <input type="checkbox"/> With Driver Only <input type="checkbox"/> With Driver and Helper						
	Service	Time Started	Time Completed	Deduc- tions (1)	Time For Computing Charges	Rate	Charges
	Loading						
	Driving				(2)		
	Unloading						
	Total						
	Number of Additional Helpers						
	<input type="checkbox"/> Loading						
	<input type="checkbox"/> Driving				(2)		
	<input type="checkbox"/> Unloading						
	Total						
	AT RATES IN CENTS PER PIECE (5 Pieces or Less)						
	Number of Pieces	Rate for First Piece	Rate for Each Additional Piece	Charges			
	Total						
AT RATES IN CENTS PER 100 POUNDS							
Weight	Miles	Tariff Rate Item	Rate	Charges			
OTHER SERVICES (INCLUDING NUMBER OF PACKERS) AND CHARGES (3)							
INSURANCE, OR OPTIONAL CARRIER OBLIGATION, TYPE AND AMOUNT						Charges	
(Concluded in Item 410)							
(1) Show time not chargeable, such as time for meals. Any deductions must be fully explained. (2) Show double the driving time, except when more than one shipment transported on a single unit of equipment, show not less than _____ minutes actual time. (3) Show each charge separately and what it represents. (4) Fourth Revised Page 31 suspended by Supplement 21. (5) Portion of Item 400 transferred to Item 410.							
Change, Decision No. 82575							
EFFECTIVE							
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Correction _____							

MINIMUM RATE TARIFF 4-B

SECTION 4--FORMS OF DOCUMENTS (Continued)			ITEM
SHIPPING ORDER AND FREIGHT BILL FOR UNCRATED USED HOUSEHOLD GOODS AND RELATED ARTICLES (Concluded) (Items 400 and 410)			(2) 410
Rates for the above described property are based upon a valuation of _____ cents per pound, per article.	Total to Collect		
Shippers preferred arrival date or period			
Shipper _____ By _____	Received by consignee in good condition, except as noted: By _____	Received by carrier in good condition, except as noted: By _____	
<div style="border: 1px solid black; padding: 10px;"> <p>Total amount by which charges exceed probable cost of services over and above 10 percent on distance moves and 25 percent on hourly moves or \$25.00 whichever is greater.</p> <p style="text-align: right;">\$ _____</p> <p>I hereby waive extension of credit in the amount of</p> <p style="text-align: right;">\$ _____</p> <p>Signature of shipper or shipper's representative _____</p> <p style="text-align: right;">Date _____</p> </div>			
<p>(1) First Revised Page 31-A suspended by Supplement 21. (2) Portion of Item 410 transferred from Item 400.</p> <p>Change, Decision No. 82575</p>			
EFFECTIVE			
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Correction			

MINIMUM RATE TARIFF 4-B

SECTION 4--FORMS OF DOCUMENTS (Continued)	ITEM
<p style="text-align: center;">CONFIRMATION OF SHIPPING INSTRUCTIONS AND RATE QUOTATION Form for Use in Connection with Consignments of Uncrated Used Household Goods and Related Articles</p> <p>(Name of carrier which shall be the name in which the operating authority is held.) _____</p> <p>(The shipper is requested to read this document carefully before signing it and to ask for an explanation of anything which is not clear or is inconsistent with any previous representation made by the carrier.) _____</p> <p style="text-align: right;">(Serial number of document) _____</p> <p style="text-align: right;">(Place document is issued) _____</p> <p style="text-align: right;">(Date issued) _____</p> <p>This will confirm instructions received from _____ (Name the person placing instructions)</p> <p>to transport a consignment of _____ (Used household goods or other suitable description)</p> <p>from _____ (Describe the location from which the goods are to be shipped)</p> <p>to _____ (Describe the location at which the goods are to be delivered)</p> <p>_____ , to receive the consignment for transportation on _____ and to perform the accessorial services of _____ (Specify the date and time or other arrangement)</p> <p>(Specify any services such as packing, crating, unpacking or uncrating or indicate that none are involved)</p> <p>in connection with the receipt, transportation or delivery of the consignment, to notify _____ (Name the party to be notified)</p> <p>at _____ (Location where notification is to be made)</p> <p>by _____ (Describe the type of notification, when and how it is to be made and when and how delivery is to be accomplished thereafter, or show that the shipper was requested to supply a notification address but declined to do so, and such arrangements as have been made respecting delivery)</p> <p>The rate(s) for the above described services is (are) _____</p> <p>(Name the rate or rates, and the number of men, viz. helpers, packers, to be provided, minimum weights, charges, and any other minimum provisions involved, for transportation)</p> <p style="text-align: center;">(Concluded on following page)</p>	<p style="text-align: center;">420</p>
<p>(1) Second Revised Page 32 suspended by Supplement 21. Change, Decision No. 82575</p>	
<p style="text-align: center;">EFFECTIVE</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

MINIMUM RATE TARIFF 4-B

SECTION 4--FORMS OF DOCUMENTS (Continued)

ITEM

CONFIRMATION OF SHIPPING INSTRUCTIONS AND RATE QUOTATION
Form for Use in Connection with Consignments of Uncrated Used Household
Goods and Related Articles

and accessorial services ordered, designating the particular services for which different rates or minimum provisions are quoted and conditions and circumstances which may result in extra charges as specified in the tariff, such as the ordering of additional service or failure to accept delivery pursuant to the delivery arrangements above described.)

Important Notices

The rates quoted herein, are believed to be not lower than the minimum rates prescribed by the California Public Utilities Commission and promulgated in Minimum Rate Tariff 4-B and are to be applied unless in conflict with the rates or other minimum provisions of that tariff. Copies of the tariff are open for public inspection at the Commission's offices in the State Buildings at San Francisco and Los Angeles and at _____

(The carrier's office or offices--designate their location)

The rates quoted herein, including minimum weight, minimum charge or other minimum provisions, are based upon an agreed or declared value being stated by the shipper which is not in excess of _____ cents per pound, per article, and carrier liability is limited accordingly. Protection against loss or damage exceeding carrier liability may be secured, if desired, by obtaining insurance coverage or optional carrier obligation _____

§420
(Con-
cluded)

(If the carrier does not handle insurance or optional carrier obligation state that fact)

If it does, describe the type and amount of insurance or optional carrier obligation ordered through the carrier to cover the consignment or state that no insurance or optional carrier obligation has been ordered through the carrier.)

(Shipper's Name)

(Name of Carrier)

(Signature of Shipper or Agent of Shipper)

By _____
(Show name in full)

(Address of Shipper or Agent of Shipper)

(Date)

(1) Original Page 32-A suspended by Supplement 21.

Change, Decision No.

82575

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SAN FRANCISCO, CALIFORNIA.