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Decision No. 83739

ORIGINAL

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 transpor-
tation of used household goods and
related property.

Case No. 5330
(Order Granting Rehearing
of Decision No. 82575,
issued May 21, 1974)

ORDER DENYING AMENDMENT
TO PETITION FOR REHEARING

Upon recommendation of the Commission staff, ex parte Decision No. 82575 dated March 12, 1974 in Case No. 5330 amended Minimum Rate Tariff 4-B (MRT 4-B) to incorporate revised rules governing the information which should be shown on the confirmation of shipping instructions and rate quotation document with respect to the number of men who will be employed to perform service under hourly rates.

Decision No. 82897 dated May 21, 1974 granted the petition for rehearing filed by Bekins Moving & Storage Co. (Bekins). Ordering Paragraph 3 of that decision states: "3. Decision No. 82575 constitutes notice to all interested parties of the amendments to Minimum Rate Tariff 4-B proposed by the Commission."

The rehearing ordered in Decision No. 82897 is scheduled for December 3, 1974. ✓

A document entitled "First Amendment to Petition of Bekins Moving & Storage Co. for Reconsideration of Decision No. 82575 dated March 12, 1974" was filed on October 31, 1974. Bekins argues that it considers the language in Decision No. 82575 describing the tariff amendments to be accomplished therein to be prefatory and not fully descriptive of tariff changes which would have been accomplished by that decision. Bekins states that, among other things, the tariff

pages appended to Decision No. 82575 deal with rules relating to accessorial services, including the furnishing of packing materials by the carrier. Bekins further asserts that its original petition for rehearing raised issues having to do with the interpretation and application of Items 130, 145, 155, 400, and 429 of MRT 4-B and sought public hearing in order to resolve recurrent problems stemming from interpretations of those items by the Commission staff.

Bekins states that it proposes to present evidence with respect to the matter of packing materials, the changes assessed therefor, and the extent to which a carrier is obligated to reflect its intended charges on the face of the confirmation of shipping instructions and rate quotation document. Bekins requests a clarifying order declaring that evidence respecting any and all proposed changes to MRT 4-B tariff pages appended to Decision No. 82575, including those related to packing materials, shall be properly taken at the rehearing scheduled in this matter.

The amended petition herein will be denied for the reason that Bekins proposes to present evidence on issues beyond the changes in tariff rules proposed to be accomplished by Decision No. 82575. That decision proposed to amend MRT 4-B only with respect to the requirements that shipping documents specify the number of helpers and packers to be provided; it did not purport to revise rules concerning furnishing of packing materials. Bekins' request would unduly broaden the issues raised in Decision No. 82575, to which rehearing was granted in Decision No. 82897.

IT IS ORDERED that the relief sought by Bekins Moving & Storage Co. in its First Amendment to its Petition for Reconsideration of Decision No. 82575, filed on October 31, 1974, is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 19th
day of NOVEMBER, 1974.

William J. Jones, Jr. President
Robert E. McLeod Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.