

ORIGINALDecision No. 83911

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)
 common carriers and express)
 corporations, for authority to)
 make various revisions in)
 National Motor Freight Classi-)
 fication NMF-100 A.)

Application No. 55253
 (Filed October 16, 1974)

In the Matter of the Investiga-)
 tion into the rates, rules,)
 regulations, charges, allowances)
 and practices of all common)
 carriers, highway carriers and)
 city carriers relating 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, transporta-)
 tion for which rates are provided)
 in Minimum Rate Tariff No. 2).)

Case No. 5432
 Petition for Modification
 No. 826
 (Filed October 16, 1974)

And Related Matters

Case No. 5436, Petition No. 180
 Case No. 5439, Petition No. 233
 Case No. 5441, Petition No. 323
 Case No. 5603, Petition No. 163
 Case No. 7783, Petition No. 107
 Case No. 7857, Petition No. 115
 Case No. 7858, Petition No. 187
 (Filed October 16, 1974)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification NMF 100 A, 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. 55253, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to correct three publication errors made in the Governing Classification.¹ By the above petitions, California Trucking Association seeks to make the proposed changes 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.

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The proposed changes, which are provided in Supplement 15 to the Governing Classification, are set forth in Exhibit A and related justifications are set forth in Exhibit B, both of which are attached to the application.

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The tariffs are Minimum Rate Tariff 1-B (East Bay Drayage), 2 (General Commodities Statewide), 9-B (San Diego Drayage), 11-A (Uncrated New Furniture Statewide) and 19 (San Francisco Drayage).

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 the National Classification Board, after due process, and generally became effective November 11, 1974, for tariffs covering areas other than California and that such revisions, if authorized, would permit maintenance of uniformity of classification provisions in California with those in 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.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 October 1, 1974. The application and petitions were listed on the Commission's Daily Calendar of October 18, 1974.

In the circumstances, the Commission finds that:

1. The proposed classification revisions set forth in Application No. 55253 are reasonable and justified.
2. The proposed ratings and provisions which applicant will be authorized to establish are suitable to govern the minimum rates established by the Commission.

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

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.

4. A public hearing is not necessary.

Based on the above findings, the Commission concludes that the proposed classification changes set forth in Application No. 55253 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.

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 A is authorized to establish and publish the classification changes set forth in Application No. 55253 to become effective not earlier than January 21, 1975, on not less than one day's notice to the Commission and to the public.

2. Except as otherwise provided in Ordering Paragraph 5 hereof, the classification amendments authorized herein are approved and adopted as just, reasonable and nondiscriminatory amendments to govern the rates and rules promulgated by the Commission in Minimum Rate Tariffs 1-B, 2, 9-B, 11-A and 19.

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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 21, 1975, 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 January 21, 1975, 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 22, 1975.

4. The classification amendments 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, 11-A and 19.

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, 11-A and 19 are authorized to be maintained in connection with the changes authorized and directed to be established herein.

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6. 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.

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

Dated at San Francisco, California, this 30th day of December, 1974.

Vernon L. Sturgeon
President

William Synovis Jr.

Thomas M. Moran

Ed. DeLoe

Robert E. McDevitt
Commissioners