

HX

ORIGINAL

Decision No. 85101

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 cor-)
porations, for authority to make)
various revisions in National)
Motor Freight Classification)
NMF-100 B.)

Application No. 55913
(Filed September 2, 1975)

In the Matter of the Investigation)
for the purpose of considering)
and determining minimum rates for)
transportation of any and all com-)
modities statewide including, but)
not limited to those rates which)
are provided in Minimum Rate)
Tariff 2 and the revisions or)
reissues thereof.)

Case No. 5432
(Petition for Modification
No. 866)
(Filed September 2, 1975)

And Related Matters

Case No. 5436, Petition No. 196
Case No. 5439, Petition No. 257
Case No. 5441, Petition No. 345
Case No. 5603, Petition No. 178
Case No. 7783, Petition No. 124
Case No. 7857, Petition No. 129
Case No. 7858, Petition No. 199
(Filed September 2, 1975)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification NMF 100 B, 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. 55913, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to publish specific revisions in the Governing Classification.¹ By the above petitions, California Trucking Association seeks to make the proposed ratings and provisions 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.

Applicant and petitioner, hereinafter referred to as applicants, state that the Governing Classification is periodically revised to meet the changing needs of commerce. Applicants allege that these revisions include: (1) changes for clarification purposes; (2) cancellation of obsolete provisions; (3) establishment

¹ The proposed changes, which are provided in Supplement 13 to the Governing Classification, are set forth in Exhibit A and related justifications are set forth in Exhibit B which are attached to the application.

² The tariffs are Minimum Rate Tariffs 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).

of specific ratings for newly designed or manufactured articles; and (4) amendments reflecting the transportation characteristics of certain commodities. Applicants aver that the sought revisions have been authorized by the National Classification Board, after due process, 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.

Copies of the application and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about August 28, 1975. The application and petitions were listed on the Commission's Daily Calendar of September 8, 1975. No objection to the granting of the application and petitions has been received.

In the circumstances, the Commission finds that applicant's and petitioner's proposals are reasonable and justified subject to the conditions hereinafter ordered. A public hearing is not necessary. The Commission concludes that the application and petitions should be granted to the extent indicated in the ensuing order.

Minimum Rate Tariff 2 will be amended by the order herein. The other tariffs will be amended by separate order so that duplication of tariff distribution will be minimized.

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 B, is authorized to establish and publish the classification ratings and provisions set forth in Application No. 55913 to become effective not earlier than December 13, 1975, on not less than one day's notice to the Commission and to the public, subject to the conditions specified in Ordering Paragraph 6 hereof.

2 Except as otherwise provided in Ordering Paragraph 8 hereof, the classification ratings and provisions authorized herein are approved and adopted as the just, reasonable and nondiscriminatory ratings and provisions to govern the minimum rates and rules promulgated by the Commission in Minimum Rate Tariffs 1-B, 2, 9-B, 11-A and 19.

3. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective December 13, 1975, Seventh Revised Page 15-C, attached hereto and by this reference made a part hereof.

4. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 31606, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.

5. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective December 13, 1975, 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 December 13, 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 February 13, 1976.

6. The classification ratings and provisions 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.

7. 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 ratings and provisions authorized and directed to be established herein.

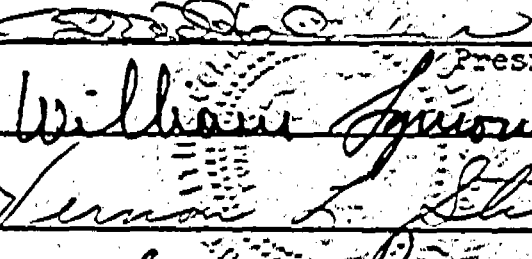
8. Except as provided in Ordering Paragraph 7 hereof, common carriers are not authorized to publish ratings and provisions which are different from, and are superseded by present exceptions contained in Exception Ratings Tariff 1 and Minimum Rate Tariffs 1-B, 2, 9-B, 11-A and 19.

9. Common carriers, in establishing and maintaining the ratings and provisions authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 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 and provisions published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

10. In all other respects, Decision No. 31606, 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 November, 1975.



President
William J. Gannon
Vernon L. Stinson
Leonard Ross

Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>1. This tariff is governed to the extent shown herein by:</p> <p>(a) The Governing Classification, except that this tariff is subject to the following rules (items) only thereof (See Notes 1, 2 and 3):</p> <p>110, Sections 1, 3(a), 3(b), 3(c), 3(d), 4, 4(a), 4(b), 5, 6(a), 6(b), 6(c), 7, 7(a), 7(b), 7(c), 7(d), 8, 8(a), 8(b), 9, 10, 11(a), 11(b), 11(c), 12, 12(a), 12(b), 12(c), 12(d), 12(e), 12(f), 13(a), 13(b), 13(c), 14, 15, 15(a), 15(b), 15(c), 15(d), 15(e) and 16;</p> <p>112; 200; 205; 210; 215; 220; 222; 225; 230; 235; 240; 245; 250; 255; 257; 260; 265; 270; 275; 280; 285; 291; 292; 294; 296; 297; 300; 310;</p> <p>360, Sections 1, 1(a), 1(b), 1(e), 1(f), 1(g), 1(h), 2, 2(a), 2(c), 2(d), 3 and 5;</p> <p>365; 381; 420, Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428;</p> <p>430; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b), 13 and 14;</p> <p>455; 520; 535; 540; 565; 580; 595; 640; 645; 680; 685; 687; 689; 765; 770, Section 2; 780, Section 2; 845; 995; 997 (Section 2 only).</p> <p>Note 1.--The provisions of Item 41520, Sub 1 of the Governing Classification are the only provisions of this item applicable on California Intrastate Traffic. The ratings shown for the item proper and Sub 2 have no application on California Intrastate Traffic.</p> <p>Note 2.--The provisions of Item 55890, Sub 2 of the Governing Classification shall be subject to a Minimum Weight of 12,000 pounds on California Intrastate Traffic.</p> <p>NOTE 3.--Where dual provisions are set forth in Items 360, 580, 56900, ** 108145, 108147, 108150, 108152, 108154, 108155, 108156, 108157, 108158, ** and the Uniform Order Bill of Lading and the Uniform Through Export Bill of Lading Order Bill of Lading of the Governing Classification, only those provisions of said items preceded with the reference (P1), (P2), (P3), (P5), (S1), (S2) and (S4), will apply on California intrastate traffic. The explanation of such references are not, however, applicable to California intrastate traffic.</p> <p>(b) The Exception Ratings Tariff.</p> <p>(c) The Dangerous Articles Tariff (California Regulations).</p> <p>(d) The Distance Table.</p> <p>2. Where the ratings and rules or other provisions or conditions provided in the governing publications described in paragraphs 1(a), (b) and (d) hereof are in conflict with those provided in this tariff, the provisions of this tariff will apply. Except as otherwise specifically provided in this tariff, where the provisions of the Dangerous Articles Tariff are in conflict with the provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs 1(a), (b) and (d) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	<p style="text-align: center;">#50</p>
<p>Change) Decision No. -- Eliminated)</p> <p style="text-align: center; font-size: 1.5em;">85101</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	