

ORIGINAL

Decision No. 85384

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 revi-)
sions in National Motor Freight)
Classification NMF-100 B.)

Application No. 56089
(Filed November 25, 1975)

In the Matter of the Investiga-)
tion for the purpose of)
considering and determining)
minimum rates for transportation)
of any and all commodities)
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. 872)
(Filed November 25, 1975)

And Related Matters

) Case No. 5436, Petition No. 200
)
) Case No. 5439, Petition No. 261
)
) Case No. 5441, Petition No. 349
)
) Case No. 5603, Petition No. 180
)
) Case No. 7783, Petition No. 127
)
) Case No. 7857, Petition No. 131
)
) Case No. 7858, Petition No. 201
)
) (Filed November 25, 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. 56089, 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 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

¹The proposed changes, which are provided in Supplement 17 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.

²The 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).

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 November 21, 1975. The application and petitions were listed on the Commission's Daily Calendar of November 26, 1975.

By letter dated December 16, 1975, California Manufacturers Association (CMA) objected to the proposed changes concerning prepayment or guarantee of charges as set forth in Item 770-A of Supplement 17 to the Governing Classification. CMA stated that such changes are major and are not in conformance with the general procedures in the State of California for processing freight invoices.

By letter dated January 7, 1976, Wigle and Larimore, on behalf of Continental Fibre Drums, objected to the proposed ratings on barrels, drums, pails and tubs as set forth in Item 21960-A of Supplement 17 to the Governing Classification. Protestant states that the involved rates were suspended by the Interstate Commerce Commission on interstate traffic pursuant to its order dated December 19, 1975, in I & S Docket M-28858. Pending disposition of this matter by the Interstate Commerce Commission, protestant contends that uniformity in the interstate and intrastate classification ratings on these commodities should be maintained.

In the circumstances, the Commission finds that the proposed changes governing prepayment or guarantee of charges and the revised ratings on barrels, drums, pails and tubs as respectively provided in Items 770-A and 21960-A of Supplement 17 to the Governing Classification should not be authorized at this

time. The Commission further finds that applicant's and petitioner's other 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.

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. 56089, except the provisions of Items 770-A and 21960-A of Supplement 17 in said application, to become effective not earlier than February 18, 1976, 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 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. 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 February 18, 1976, 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 February 18, 1976, 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 April 18, 1976.

4. The classification ratings and provisions authorized to be established by the order herein 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 ratings and provisions authorized and directed to be established herein.


6. Except as provided in Ordering Paragraph 5 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.

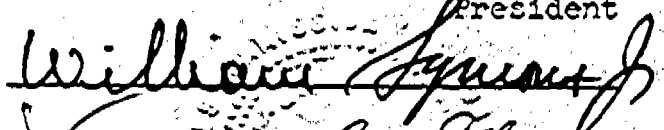
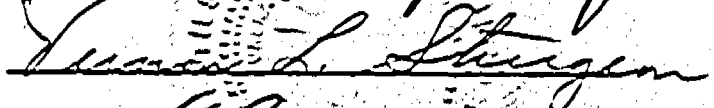
7. Common carriers, in establishing and maintaining the ratings and provisions authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; 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.


A. 56089, C. 5432 (Pet. 872) et al.* - JW


The effective date of this order shall be February 17,
1976.

Dated at San Francisco, California, this 27th day of
January, 1976.



President







Commissioners