

ORIGINAL

Decision No. 85547

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 com-)
mon carriers and express corpora-)
tions, for authority to make)
various revisions in National)
Motor Freight Classification)
NMF-100 B.)

Applications Nos. 56193
and 56194
(Filed January 13, 1976)

In the Matter of the Investiga-)
tion for the purpose of consid-)
ering 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
(Petitions for Modification
Nos. 876 and 877)
(Filed January 13, 1976)

And Related Matters

Case No. 5436, Petitions Nos.
202 and 203
Case No. 5439, Petitions Nos.
263 and 264
Case No. 5441, Petitions Nos.
350 and 351
Case No. 5603, Petitions Nos.
182 and 183
Case No. 7783, Petitions Nos.
128 and 129
Case No. 7857, Petitions Nos.
132 and 133
Case No. 7858, Petitions Nos.
202 and 203

(Filed January 13, 1976)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification NMFC 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 Applications 56193 and 56194, 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 also propose to increase from \$5

¹The proposed changes, which are provided in Supplements 20 and 21 to the Governing Classification, are set forth in Exhibits A and related justifications are set forth in Exhibits B which are attached to the applications involved in these proceedings.

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).

to \$7.87 the charge for changing the status of a C.O.D. shipment and to revise the provisions pertaining to prepayment or guarantee of charges. 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 January 12, 1976. The applications and petitions were listed on the Commission's Daily Calendar of January 20, 1976.

By letters dated January 23 and February 5, 1976, California Manufacturers Association (CMA) objected to the proposed changes concerning: (1) the increase in the charge for changing the status of a C.O.D. shipment; (2) the changes regarding prepayment or guarantee of charges and (3) the cancellation of the released valuation provisions on chemicals, drugs, medicines or toilet preparations. CMA alleges that the increase in the charge for changing the status of a C.O.D. shipment is unreasonable and substantial changes are involved in the provisions pertaining to prepayment or guarantee of charges. CMA states that California shippers would no longer benefit from the application of the lower exception ratings in the Commission's Exception Ratings Tariff 1 if the aforementioned released valuation provisions were to be cancelled. These exception ratings apply only when such chemicals, drugs, medicines or toilet preparations are released to a valuation not exceeding 50 cents per pound.

By letter dated January 27, 1976, Dow Chemical U.S.A., Western Division, objected to the proposed cancellation of the

released valuation provisions on chemicals stating that the loss of the exception ratings hereinbefore mentioned would cause considerable increase in the cost of transporting chemicals in California.

In the circumstances, the Commission finds that:

1. Applicant's and petitioner's proposals in Application 56193 and Case 5432 Petition 876) et al. are reasonable and justified subject to the conditions hereinafter ordered.
2. The increase in the charge in Section 14 of Item 430-C of Supplement 21 to the Governing Classification for changing the status of a C.O.D. shipment should not be authorized at this time.
3. The changes in Item 770-B of Supplement 21 to the classification regarding prepayment or guarantee of charges should not be authorized at this time.
4. The cancellation of the released valuation provisions from Items 42660-A to 47430-A, inclusive, and Items 58650-A to 59360-B, inclusive, in Supplement 21 to the classification should not be authorized at this time.
5. Applicant's and petitioner's other proposals in Application 56194 and Case 5432 (Pet. 877) et al. are reasonable and justified subject to the conditions hereinafter ordered.
6. 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. The necessary amendment to Minimum Rate Tariff 2 will be made in the order which follows. Amendments to the other minimum rate tariffs will be made by separate orders to avoid duplication of tariff distribution.

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 established

and publish the classification ratings and provisions set forth in Applications 56193 and 56194, except the provisions of Items 430-C, 770-B, 42600-F to 47430-A, inclusive, and 58500-F to 59360-B, inclusive of Supplement 21 in Application 56194, to become effective not earlier than April 1, 1976, on not less than one day's notice to the Commission and to the public.

2. Except at otherwise provided in Ordering Paragraph 7 hereof, the classification ratings and provisions authorized herein are approved and adopted as the just, reasonable and nondiscriminatory ratings and provisions to govern the 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 of Decision 31606, as amended) is further amended by incorporating therein, to become effective April 1, 1976, Ninth Revised Page 15-C, attached hereto and by this reference made a part hereof.

4. 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 April 1, 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 April 1, 1976, and may be made effective on not less than one days' notice to the Commission and to the public if filed not later than June 1, 1976.

5. 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.

6. 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.

7. Except as provided in Ordering Paragraph 6 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.

8. 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.

9. In all other respects, Decision 31600, as amended, shall remain in full force and effect.

A.56193 and 56194, C.5432 (Pet. 876) et al. - ANV

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

Dated at San Francisco, California, this 9th day of March, 1976.

	President
<u>William S. Gurnea, Jr.</u>	
<u>Lawrence L. Sturgeon</u>	
<u>John</u>	
<u>Paul K. Baker</u>	
	Commissioners

Commissioner D. W. Holmes, 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>ø(a) The Governing Classification, except that this tariff is subject to the following rules (items) only thereof (See Notes **, 2 and 3):</p> <p>110, Sections 1, 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 style="text-align: center;">**</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>øNote 3.--Where dual provisions are set forth in Items 360, 580, ** 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) or (P5), ** will apply on California intrastate traffic. The explanations 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>	ø50
<p>ø Change) ** Eliminated) Decision No.</p> <p style="text-align: center; font-size: 24pt;">85547</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>	