

ORIGINAL

Decision No. 85986

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-C.)

Applications Nos. 56354
 56419, 56469 and 56487
 (Filed March 25, April 21,
 May 7 and May 19, 1976,
 respectively)

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 Nos. 5432
 (Petitions for Modification
 Nos. 886, 889, 890
 and 892)
 (Filed March 25, April 21,
 May 7 and May 19, 1976,
 respectively)

And Related Matters)

Case No. 5436, Petitions Nos.
 208, 210, 212 and 213
 Case No. 5439, Petitions Nos.
 272, 273, 274 and 275
 Case No. 5441, Petitions Nos.
 357, 358, 359 and 360
 Case No. 5603, Petitions Nos.
 186, 187, 188 and 190
 Case No. 7783, Petitions Nos.
 135, 136, 137 and 138
 Case No. 7857, Petitions Nos.
 136, 137, 139 and 140
 Case No. 7858, Petitions Nos.
 206, 207, 208 and 209

(Filed March 25, April 21,
 May 7 and May 19, 1976,
 respectively)

OPINION AND ORDER

Various common carriers engaged in intrastate transportation within California participate in National Motor Freight Classification NMF 100-C, 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 56354, 56419, 56469 and 56487, 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 the

¹The proposed changes, which are provided in Supplements 1, 2, 3 and 4 to the Governing Classification, are set forth in Exhibits A which exhibits 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), 14-A (Agricultural Commodities Statewide) and 19 (San Francisco Drayage).

charges for furnishing additional copies of bills of lading and related documents and to restrict C.O.D. payments by certified check to those guaranteed by a bank. 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 March 25, April 20, May 6 and 18, 1976. The applications and petitions were listed on the Commission's Daily Calendars of March 26, April 23, May 10 and 20, 1976.

By letter dated May 18, 1976, California Manufacturers Association (CMA) objected to the proposed changes in Supplement 2 to the Governing Classifications concerning (1) increases in charges for furnishing additional copies of bills of lading, freight bills, proofs of delivery and other related forms; and (2) the restriction on C.O.D. payments by certified check to those guaranteed by a bank. CMA alleges that such increases in charges for furnishing copies of bills of lading and related documents and the aforementioned restriction on C.O.D. payments have not been justified.

By letter dated June 9, 1976, Container Corporation of America (Container Corporation) objected to the proposed increase from 30,000 to 36,000 pounds in the minimum weight governing the truckload rating for scrap or waste paper as described in Item 151390-A, Sub 7, of Supplement 4 to the Governing Classification. Container Corporation states that, while applicants acknowledge increased productivity as the reason for increasing the minimum weight factor, no provision has been made for establishing a compensating reduction in rating.

In the circumstances, the Commission finds that:

1. Applicant's and petitioner's proposals in Applications 56354, 56419, 56469 and 56487 and Case 5432 (Petitions 886, 889, 890 and 892) et al. are reasonable and justified subject to the conditions hereinafter ordered.

2. The increases in charges in Section 1 of Item 360-A of Supplement 2 to the Governing Classification for furnishing additional copies of bills of lading, proofs of delivery and other related documents should not be authorized at this time.

3. The restrictions in Item 430-A of Supplement 2 to the Governing Classification relating to C.O.D. payments by certified check should not be authorized at this time.

4. The increase in the minimum weight governing the truck-load rating on scrap or waste paper in Item 151390-A, Sub 7, of Supplement 4 to the Governing Classification should not be authorized at this time.

5. Petitioner's suggestion that the minimum rate tariffs be amended to reflect the precise effectiveness of the supplemental matter in the Governing Classification is not warranted and will not be adopted.

6. Applicant's and petitioner's other proposals in the aforementioned applications and petitions are reasonable and justified.

7. A public hearing is not necessary.

The Commission concludes that the applications 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-C is authorized to establish and publish the classification ratings and provisions set forth in

Applications 56354, 56419 (except the provisions of Items 360-A and 430-A of Supplement 2) 56469 and 56487 (except the provisions of Item 151390-A of Supplement 4), to become effective not earlier than July 13, 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 rates and rules promulgated by the Commission in Minimum Rate Tariffs 1-B, 2, 9-B, 11-A, 14-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 July 13, 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 July 13, 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 September 13, 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, 14-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, 14-A and 19 are authorized to be maintained in connection with the ratings and provisions authorized and directed to be established herein.

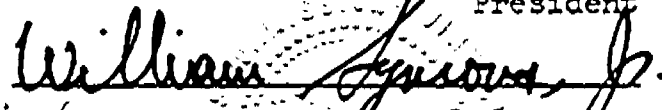
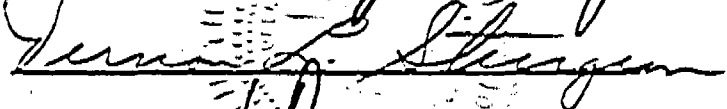
6. Except as provided in Ordering Paragraph 5 hereof, common carriers are not authorized to publish ratings and provisions which are different from, and are superseded by present exceptions contained in Exception Ratings Tariff 1 and Minimum Rate Tariffs 1-B, 2, 9-B, 11-A, 14-A and 19.

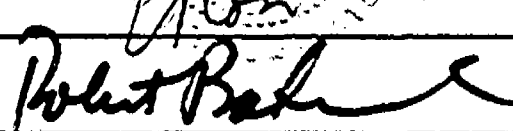
7. Common carriers, in establishing and maintaining the ratings and provisions authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations;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

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

Dated at San Francisco, California, this 22nd day of June, 1976.



President



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Commissioners