

Decision No. 86280

ORIGINAL

## 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-C. )

Applications Nos. 56562  
 56574 and 56621  
 (Filed June 16 and 22 and July 15,  
 1976, respectively)

In the Matter of the Investigation )  
 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  
 (Petitions for Modification  
 Nos. 903, 905 and 908  
 (Filed June 16 and 22 and July 15,  
 1976, respectively)

And Related Matters. )

Case No. 5436, Petitions  
 Nos. 215, 217 and 218  
 Case No. 5439, Petitions  
 Nos. 279, 281 and 283  
 Case No. 5441, Petitions  
 Nos. 363, 365 and 366  
 Case No. 5603, Petitions  
 Nos. 191, 193 and 194  
 Case No. 7783, Petitions  
 Nos. 139, 141 and 142  
 Case No. 7857, Petitions  
 Nos. 141, 143 and 144  
 Case No. 7858, Petitions  
 Nos. 211, 212 and 213

(Filed June 16 and 22 and July 15,  
 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 56562, 56574 and 56621, National Motor Freight Traffic Association, Inc., Agent, seeks authority, on behalf of such common carriers, to publish specific revisions in the Governing Classification.<sup>1</sup> By the above petitions, California Trucking Association seeks to make the proposed ratings and provisions applicable to certain Commission minimum rate tariffs.<sup>2</sup> 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 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 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

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<sup>1</sup>The proposed changes, which are provided in Supplements 5, 6 and 7 to the Governing Classification, are set forth in Exhibits A of Application 56562, 56574 and 56621.

<sup>2</sup>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 uniformity of classification provisions in California with those in the rest of the nation.

Copies of the applications and petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about June 16 and 21 and July 16, 1976. The applications and petitions were listed on the Commission's Daily Calendar of June 18 and 24 and July 19, 1976.

By Petitions for Suspension in Application 56574 filed on July 9, 1976, Cutter Laboratories, Inc. and Drug and Toilet Preparation Traffic Conference objected to the proposed changes in the less-truckload and truckload ratings on administration sets, hospital patient kits and inpatient treatment kits as described in Items 56900-A, 108145-A and 108150-A of Supplement 6 to the Governing Classification. Protestants state that the increases in the ratings on these commodities are substantial and, in order to continue to offer health care products to the public at reasonable prices, they must be in a position to control operating expenses, such as raw materials, labor or transportation.

By letter dated August 3, 1976, Chemical Systems Division of United Technologies (Chemical Systems) objected to the proposed increase from 24,000 to 36,000 pounds in the minimum weight governing the truckload rating on propellant explosives or explosive propelling units as described in Item 64055-A, Sub 2, of Supplement 6 of the Governing Classification. Chemical Systems declares that such increase in the minimum weight is without justification and is unjust and discriminatory.

In the circumstances, the Commission finds:

1. Applicant's and petitioner's proposals in Applications 56562, 56574 and 56621 are reasonable and justified, subject to the conditions hereinafter ordered.

2. 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.

3. The increase in the ratings in Supplement 6 of the Governing Classification on administration sets, hospital patient kits and inpatient treatment kits as described in Items 56900-A, 108145-A and 108150-A of Supplement 6 and reissued in Supplement 7 of the Governing Classification should not be authorized at this time.

4. The increase in the minimum weight governing the truck-load rating on propellant explosives or explosive propelling units as described in Item 64055-A, Sub 2, of Supplement 6 of the Governing Classification and reissued in Supplement 7 of the Governing Classification should not be authorized at this time.

5. Applicant's and petitioner's other proposals in Applications 56562, 56574 and 56621 are reasonable and justified.

6. 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 56562, 56574 (except the provisions of Items 56900-A, 64055-A, 108145-A and 108150-A of Supplement 6) and Application 56621 (except the reissued provisions of Items 56900-A, 64055-A, 108145-A and 108150-A of Supplement 7) to become effective not earlier than September 14, 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 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 September 14, 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 September 14, 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 November 14, 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,
- (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.

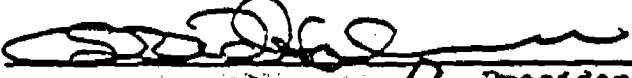
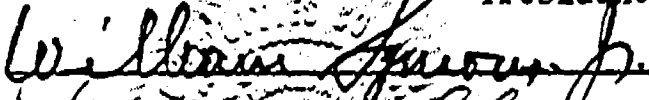
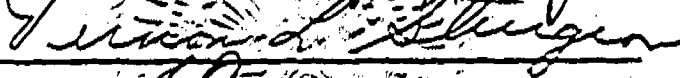

5. Any provisions currently maintained in common carrier tariffs which are more restrictive than, or which produce charges greater than those contained in Minimum Rate Tariffs 1-B, 2, 9-B, 11-A and 19 are authorized to be maintained in connection with the ratings and provisions authorized and directed 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 Minimum Rate Tariffs 1-B, 2, 9-B, 11-A, 19 and Exception Ratings Tariff 1.

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 24<sup>th</sup> day of August, 1976.

  
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President  
  
  
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Robert Bakman  
Commissioners