

Decision No. 86285

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Russ Frigg Moving, Inc., a California corporation, for authority to deviate from requirements of Minimum Rate Tariffs 2, 9B, and 4B as they relate to the movement of new and used uncrated pianos, organs, and related musical instruments and components, under Sections 3666 and 5195 of the Public Utilities Code of the State of California.

Application No. 56418
(Filed April 21, 1976;
amended June 10, 1976)

O P I N I O N

Applicant requests authority to deviate from the requirements of Minimum Rate Tariffs (MRT) 2, 4-B and 9-B for the transportation of new and used uncrated pianos, organs, and component parts thereof. Applicant wishes to assess rates no less than those published in MRT 4-B, Item 340, in lieu of otherwise applicable minimum rates.

The application states that applicant engages in retail delivery of sold and rented pianos and organs from retail merchants. Approximately 75 percent of all rented pianos are converted to sales. Also, applicant is engaged in moving used pianos from residence to residence under its household goods permit. Applicant also is called upon by piano technicians, tuners, and refinishers to move pianos for them from residence to shop and shop to residence. Applicant has specialized equipment consisting of moving vans designed exclusively for the transporting of pianos and organs. The vans are equipped with hydraulic lifts so employees are not forced to lift pianos and organs on and off truck physically. The vans are equipped with special dollies made specially for piano moving and the dollies are padded so as not to mar the finishes on the uncrated items. Also, each van

contains boards and straps used primarily for the transporting of grand pianos. All employees are specially trained in the transporting of pianos and organs of all models and types.

Applicant believed that this specialized type of service was exempt from provisions of the Commission's rates and tariffs. Recently, however, it has come to the applicant's attention that the transportation performed by it in this service may be governed by the Commission's minimum rate tariffs.

Applicant alleges that it cannot comply with existing tariffs, nor can any company within the piano and organ moving industry as differentiated from household goods or van and storage industry. The piano and organ moving industry in which petitioner operates as a matter of custom does not and cannot put weights on cartage tickets which existing tariffs require because of the nature of the business.

Copies of the application and amendment thereto were mailed to the California Trucking Association and the California Moving and Storage Association and were noticed on the Commission's Daily Calendar. No objections to the granting of the application have been received.

Although applicant has requested authority to deviate from the provisions of MRT 4-B to the extent that tariff is applicable to the transportation performed by applicant, it does not appear such authority is needed, nor should be granted since applicant is seeking to assess rates set forth in MRT 4-B.

Findings

1. The rates set forth in MRTs 2 and 9-B are not appropriate minimum rates for the transportation which is the subject of this application.

2. The rates proposed by applicant are reasonable.

The Commission concludes that the application should be granted to the extent set forth in the ensuing order. To the extent

not granted herein the application should be denied. The Commission further concludes that since there is no objection and it appears there is an immediate need for the authority sought, the effective date of the ensuing order should be the date hereof.

O R D E R

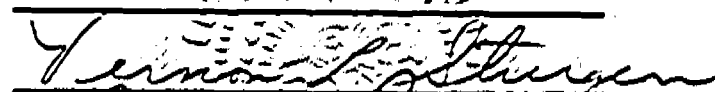
IT IS ORDERED that:

1. Russ Prigg Moving, Inc., is authorized to assess rates set forth in Item 340 of Minimum Rate Tariff 4-B in lieu of the otherwise applicable rates set forth in Minimum Rate Tariffs 2 and 9-B for the transportation of pianos, organs, and component parts thereof. This authority is subject to all the conditions set forth in Item 340 of Minimum Rate Tariff 4-B and does not include any deviation from any rates, rules, or regulations except as specifically set forth herein.
2. To the extent not granted herein Application No. 56418 is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 24th
day of AUGUST, 1976.


President


Leonard Koro


Commissioners

I dissent
William S. Squire, Jr.
Commissioner