

ORIGINAL

Decision 88 09 034 SEP 14 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Western Motor )  
Tariff Bureau, Inc. Under )  
Shortened Procedure Tariff )  
Docket for and on behalf of )  
Pacific Motor Transport Company )  
and Pacific Motor Trucking )  
Company to Amend Bureau )  
Tariff 111 Which Results in )  
Increases. )

Application No. 60033  
(Petition for Modification of  
D.92732 filed August 6, 1987)

ORDER MODIFYING DECISION  
(D.) 88-06-049 AND DENYING REHEARING

Western Motor Tariff Bureau, Inc., National Small Shipments Traffic Conference, Inc. and Drug and Toilet Preparation Traffic Conference, Inc. have filed applications for rehearing of Decision (D.) 88-06-049. We have considered all the allegations of error raised in the applications, and are of the opinion that there was legal error only in one limited respect in ordering Paragraph 1(b) of the decision. Accordingly, the decision is modified as indicated below, and the petitions for rehearing are denied.

Therefore, good cause appearing,

IT IS ORDERED that D.88-06-049 is modified as follows:

1. The discussion on released valuation, beginning at the bottom of page 5 and ending with the first full paragraph on page 6, is deleted and the following language substituted:

"Paragraph (C) (2) automatically subjects the shipper to a released value of \$25.00 per pound per package if the shipper fails to annotate the shipping receipt or bill of lading as prescribed by Paragraph (C) (1). This is in contravention of §2174 which requires a special contract before a carrier may enjoy limited liability. Therefore,

Paragraph (C)(2) is unlawful and should be cancelled."

"There are full value rates in the tariff. They apply to those commodities not exceeding \$25.00 per pound per package whether or not the shipper annotates the shipping document. For commodities exceeding \$25.00 per pound per package, in order to get full value, the shipper must declare value and pay excess valuation charges. Or, the shipper has a choice of releasing in writing the value of the commodity to the specified \$25.00 or \$30.00, and paying a lower rate."

2. The last paragraph at the bottom of page 6 and continuing over to page 7 is deleted with the exception of the first sentence. The paragraph continues as follows:

"The shipper is offered a choice of rates for commodities exceeding \$25.00 per pound per package. The shipper may either not declare value exceeding \$25.00 per pound per package and release the shipment in writing at the specified charge per pound, or declare a greater value on the shipping document and pay an additional charge per each \$100 of excess value. In sum, the shipper enjoys lower rates in exchange for releasing the shipment at the specified charge per pound. If the shipper wishes to have the carrier subject to a higher level of liability, it must pay the additional excess valuation charges."

3. Finding of Fact #3 on page 7 is deleted.

4. Renumber Finding of Fact #4 to read Finding of Fact #3, and modify as follows:

"In PMT's tariffs made subject to this item, full value applies to those commodities valued at less than \$25.00 per package per pound. For commodities exceeding \$25.00, full value applies after the shipper declares value and pays the excess valuation charges. Or, the shipper has the choice of releasing value in writing to the specified amount and paying lower charges."

5. Renumber Finding of Fact #5 to read Finding of Fact #4.
6. Renumber Finding of Fact #6 to read Finding of Fact #5.
7. Renumber Finding of Fact #7 to read Finding of Fact #6.
8. Delete Conclusion of Law #3 on page 8.
9. Renumber Conclusion of Law #4 to read Conclusion of Law #3.
10. Delete Paragraph 1(b) of the Order which requires the insertion of Paragraph (C)(3).
11. Add a new ordering paragraph numbered 2 to the Order as follows:
  2. Both carriers shall modify Paragraph (C)(1) in Item A848-3 of Western Motor Tariff Bureau, Inc. Tariff 170, CA PUC 51 to read as follows:
    2. "The shipping order or bill of lading shall be annotated with a provision reading substantially as follows:  
  
'Unless a greater value is declared herein, the shipper agrees and declares that the value of the property is released to a value not exceeding B \$30.00, C \$25.00 per pound per package.'"
12. Renumber Paragraph 2 of the original order to read Paragraph 3.

IT IS FURTHER ORDERED THAT rehearing of D.88-06-049, as modified herein, is hereby denied.


This order is effective today.

Dated SEP 14 1988, at San Francisco, California.

STANLEY W. HULETT  
President

DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Victor Weissert, Executive Director