

JUL 2 1992

Decision 92-07-017 July 1, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Regulation of)
 Used Household Goods Transportation)
 by Truck.)

ORIGINAL

1.89-11-003

(Filed November 3, 1989)

ORDER MODIFYING DECISION 92-05-028

On May 26, 1992, California Moving and Storage Association (CMSA) petitioned for modification of Decision (D.) 92-05-028. CMSA seeks three modifications. First, that implementation of Maximum Rate Tariff 4 (MAX 4) be deferred to January 1, 1993. Second, that issues to be considered in Phase III be deferred for a minimum of six months after the implementation of MAX 4. Third, that Items 120 and 440 of MAX 4 be modified to delete newly inserted requirements. After giving this matter careful consideration, we deny CMSA's petition, but find that delaying implementation until November 1, 1992 is reasonable. We further determine that public meetings ordered by D.92-05-028 be held by October 31, 1992, the new household goods exam be prepared by November 30, 1992, and all existing carriers be retested by July 31, 1993.

CMSA argues that extensive training must wait until new forms are printed, necessitating delayed program implementation. In addition, CMSA is concerned that training may be difficult to impossible during the busy summer season, wherein many movers are said to work up to 15 hours a day and will neither have the time nor energy to participate in training. We view these arguments to be reasonable, but feel that a November 1, 1992 implementation date will allow sufficient time. We share CMSA's concern, especially that the meetings be productive, and are convinced that delaying the date by which public meetings must be held to October 31, 1992 will allow carriers to more effectively participate. Due to the

delay in the implementation date, we find that the new written exam need not be prepared by Transportation Division until November 30, 1992. Similarly, the date by which carriers must be retested to retain operating authority will be deferred to July 31, 1993 to allow carriers more time to adequately prepare.

CMSA observes that some carriers are already taking advance bookings and may make arrangements which will be unlawful once MAX 4 becomes effective. CMSA argues that the implementation date should, therefore, be delayed. Clearly, however, whatever implementation date is selected may result in the same potential difficulty with advance bookings. Carriers should recognize that whatever the implementation date, moves that are scheduled for a date after the implementation date are subject to the rules of MAX 4.

Finally, CMSA observes a January 1, 1993 implementation date would enable more effective and accurate monitoring of the financial results of the change. While this is a good argument, we must balance this delay against our desire to implement the program as soon as possible to produce the significant improvements in this industry which MAX 4 will bring. We conclude November 1, 1992 is the best balance of competing interests.

Regarding CMSA's request that issues to be considered in Phase III be deferred a minimum of six months after the implementation of MAX 4, we note that D.92-05-028 does not specify a date for the prehearing conference to commence Phase III. The Administrative Law Judge (ALJ), in consultation with the assigned Commissioner, will determine when the Phase III prehearing conference would be convened. CMSA may renew this request at that prehearing conference. Unless some matters arise which would justify an earlier prehearing conference, we expect a prehearing conference should be held in the fall of 1992. Phase III scheduling should account for the needs of the parties and allow

time for the evidence to be prepared, but should not be needlessly delayed.

Regarding CMSA's request that Items 120 and 440 of MAX 4 be modified to delete newly inserted requirements, we note these requirements are both consistent with our adoption of the not to exceed price, and provide information to the shipper on the shipper's rights. While these changes were not proposed in the stipulation and were not raised specifically in Phase II, they are consistent with the final adopted program, and will be retained.

Findings of Fact

1. CMSA filed a petition for modification of D.92-05-028 on May 26, 1992.

2. Delaying MAX 4 program implementation until November 1, 1992 properly balances the competing interests of earlier verses later implementation.

3. Delaying Transportation Division's deadline to conduct public workshops until October 31, 1992 will allow carriers to more effectively participate.

4. Delaying Transportation Division's deadline for the new written household goods exam until November 30, 1992, and delaying the deadline for all carriers to be retested until July 31, 1993 enables carriers to more adequately prepare for the exam.

5. The prehearing conference in Phase III will be scheduled by the ALJ in consultation with the assigned Commissioner.

6. Newly inserted requirements for Items 120 and 440 are consistent with both our adoption of the not to exceed price and provision of information to the shipper on the shipper's rights.

Conclusions of Law

1. CMSA's petition for modification of D.92-05-028 should be denied.

2. Implementation of MAX 4 should be delayed until November 1, 1992.

3. This order should be effective when signed.

ORDER

IT IS ORDERED that:

1. California Moving and Storage Association's petition for modification of Decision (D.) 92-05-028 is denied.

2. Implementation of Maximum Rate Tariff 4 is delayed until November 1, 1992.

3. Ordering Paragraph 4 of D.92-05-028 is modified as follows:

"4. Minimum Rate Tariff (MRT) 4-C is cancelled effective November 1, 1992. Maximum Rate Tariff 4, contained in Attachment B, is adopted effective November 1, 1992."

4. Ordering Paragraph 5 of D.92-05-028 is modified as follows:

"5. General Order (GO) 136-C and 139-A are adopted effective November 1, 1992 as amended (Attachment E to D.92-05-028 and Attachment D to D.90-12-091, respectively). GO 136-B and 139 are superseded effective November 1, 1992."

5. Ordering Paragraph 6 of D.92-05-028 is modified as follows:

"6. Transportation Division (TD) shall prepare the reports and conduct the meetings as directed in both D.90-12-091 and D.92-05-028 (summarized in Attachment F). TD shall prepare a new entry examination by November 30, 1992 and continue its administration, placing a uniform time limit on the time the applicant has to complete the examination. TD shall retest all existing household goods carriers with operating permits by July 31, 1993. Existing permits shall expire on August 1, 1993 for all household goods carriers who fail to pass the examination by July 31, 1993."

6. The attached pages of Attachment F and Attachment B to D.92-05-028 are modified as shown in Appendix A.

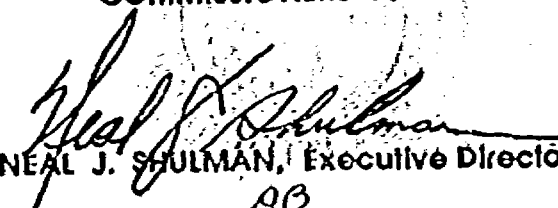
7. The executive director shall serve a copy of this order on each subscriber to MRT 4-C, and all appearances in this investigation. The executive director shall serve a copy of GO 136-C and 139-A on all carriers subject to these general orders.

This order is effective today.

Dated July 1, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director
RB

APPENDIX A
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REVISED ATTACHMENT B

MAXIMUM RATE TARIFF 4

(Cancels Minimum Rate Tariff 4-C)

NAMING

MAXIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF USED PROPERTY, NAMELY:

HOUSEHOLD GOODS, PERSONAL EFFECTS AND

OFFICE, STORE AND INSTITUTIONAL FURNITURE,

FIXTURES AND EQUIPMENT OVER THE PUBLIC HIGHWAYS

WITHIN THE STATE OF CALIFORNIA

BY

HOUSEHOLD GOODS CARRIERS

The original tariff contains rates and rules established in Decision 92-05-028 in OII.89-11-003. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing corrected items.

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Governor Edmund G. "Pat" Brown Building
505 Van Ness Avenue
San Francisco, California 94102

EFFECTIVE NOVEMBER 1, 1992

REVISED ATTACHMENT F
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TRANSPORTATION DIVISION TASKS

Transportation Division (TD) is asked to do the following:

I. MEETINGS

- A. Conduct public meetings throughout the state to inform the public on the new interim maximum rate program Maximum Rate Tariff (MAX) 4, answer questions, and discuss program implementation.
- B. Conduct meetings by October 31, 1992.

II. EXAMINATION

- A. Prepare a new entrance examination by November 30, 1992.
- B. Apply a uniform time limit on the time the applicant has to complete the examination.
- C. Retest all carriers with existing household goods operating authority (who wish to retain their operating permit) by July 31, 1993.

III. ARBITRATION PROGRAM

- A. Select an arbitrator or arbitration association:
 - 1. Issue request for proposals within 90 days of this order, indicating the proposals are due within 30 days.
 - 2. Select an arbitrator or arbitration association within 30 days of receipt of proposals and prepare a resolution for Commission ratification of their recommendation.
 - 3. Prepare a brochure summarizing the arbitration pilot program for carriers and shippers within 30 days of the Commission's

(END OF APPENDIX A)