

**ORIGINAL**Decision No. 86965

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the rules, regulations and practices of all household goods carriers relating to the transportation of used household goods and related property.

Case No. 10151  
(Filed August 3, 1976)

In the Matter of the Investigation for the purpose of considering and determining minimum rates for transportation of used household goods and related property statewide as provided in Minimum Rate Tariff 4-B and the revisions or reissues thereof.

Case No. 5330

(Appearances are shown in Appendix A.)

O P I N I O N

Case No. 10151 was issued for the receipt of evidence concerning a proposed general order prepared by the Commission's Transportation Division relating to services performed by household goods carriers.

Public hearing was held before Examiner Mallory in San Francisco on October 18 and November 29, 1976 and on October 20, 1976 in Los Angeles. The matter was temporarily removed from the calendar on November 29, 1976.

The Commission staff presented evidence supporting the proposed general order. Two of such rules amend or amplify rules now contained in Minimum Rate Tariff 4-B (MRT 4-B). That tariff sets

forth minimum rates and related rules governing the transportation of used household goods and office and store fixtures. It was agreed by the principal parties to the proceeding that the rules in question are reasonable and are necessary to govern the operations of household goods carriers and that such rules should be incorporated in MRT 4-B.

The rules in question deal with identification of the household goods carrier by permit number in printed advertising matter distributed to the general public and with the manner in which claims for money damages may be filed with household goods carriers resulting from the failure of the carrier to pick up a shipment of household goods on the specified date agreed to in writing by the shipper and carrier.

The rules to be incorporated in MRT 4-B as a result of Case No. 10151 are the following:

Item 30 - RELATIONS WITH THE PUBLIC

- "7. Printed advertising matter, including hand bills, newspaper advertising, and telephone directory advertisements which advertise or solicit the intrastate movement of used household goods within the State of California shall show the household goods carrier's 'T' file number as issued by the Commission. The number shall be printed in this manner: 'CAL P.U.C. T-\_\_\_\_\_'. "

Item 162 - DELAYS IN PICKUP OR DELIVERY

(The following two paragraphs to be added)

"If a carrier agrees with a shipper to pick up a shipment of used household goods on a specified date and/or time and it is unable to fulfill that commitment, the carrier shall notify the shipper, or person designated by the shipper, by telegram or telephone, at the carrier's expense, as soon as it becomes apparent that a promised pickup date and/or time will not be met.

"Claims for reimbursement for damages to a shipper because of carrier negligence in failing to pick up a shipment on the date promised or failing to deliver a shipment by the preferred date or period of time specified in the shipping order, confirmation of

shipping instruction and rate quotation document, or other contract of carriage presented by the shipper to the carrier shall be responded to by the carrier in accordance with Rule 2.7 of General Order No. 139."

In addition, appropriate changes are required in Item 431 - IMPORTANT NOTICE TO SHIPPERS OF HOUSEHOLD GOODS to reflect the additions to Item 162.

The Commission finds that the tariff amendments referred to above will result in just, reasonable, and nondiscriminatory rules to govern the rates and other provisions of MRT 4-B and concludes that MRT 4-B should be amended accordingly.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 4-B (Appendix C to Decision No. 65521, as amended) is further amended by incorporating therein, to become effective March 19, 1977, Fifth Revised Page 7, Twelfth Revised Page 17, and Fourth Revised Page 34, attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Code, to the extent that they are subject also to Decision No. 65521, as amended, are directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

3. Tariff publications required or authorized 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 may be made effective not earlier than the tenth day after the effective date of this order, on not less than ten days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than March 19, 1977; and as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within sixty days after the effective date hereof.

4. Common carriers, in establishing and maintaining the amendments 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 amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects, Decision No. 65521, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 15<sup>th</sup> day of FEBRUARY, 1977.

Robert B. Gaudin  
President  
William J. Gaudin  
John W. Gaudin  
Richard W. Gaudin  
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

LIST OF APPEARANCES

Respondents: Robert C. Johnson, for Bekins Moving & Storage Company; Robert W. Foy, for Pacific Storage Company; Gerald Evans, for Lyon Moving & Storage Company; James A. Nevil, for Nevil Storage Company; Jack E. Macy, for Macy Movers, Inc. and California Moving and Storage Association; Quig M. Driver, for Stringer & Driver Moving & Storage; Alvin J. Glatt, for NACAL, Inc.; Dennis G. Moran, for Moran Moving & Storage; Guillermo "Bill" Saavedra, for Saagan Moving and Storage Company; Sam S. Blank, for Dependable Moving & Storage Company; W. F. Goines, for Southwest Van & Storage Company; David M. Sanders, for Tanner-Trans American Van Lines; Roger S. Pondel, for The Bekins Co.; Fred Nason, Jr., for Beverly Hills Transfer & Storage Co.; Jeffrey L. Lutz and William R. Shepard, for Escondido Storage Company; and E. R. Chapman, for All City Moving and Storage Inc.

Interested Parties: Loughran & Hegarty, by Edward J. Hegarty, Attorney at Law, and Thomas J. Hays, for California Moving & Storage Association; C. D. Gilbert, H. Hughes, and J. C. Kaspar, for California Trucking Association; John C. Jessup, for Foremost McKesson, Inc.; David Reese Wallace, for Department of General Services; Joseph Garcia, Attorney at Law, for Richard Spohn, Director, California Department of Consumer Affairs; Robert L. Comyns, for Pacific Gas and Electric Company; LeRoy J. Edwards and Charles E. Beebe, for State of California, Division of Measurement Standards; Lee Jones, for County of Los Angeles, Purchasing & Stores Department; Stanley G. Alexander, for Environmental Relocators; Tad Muraoka, for IBM Corporation; and Jess J. Butcher, for California Manufacturers Association.

Commission Staff: Mary Carlos, Attorney at Law, and Everest Benton.

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">RELATIONSHIPS WITH THE PUBLIC</p> <p>1. Any carrier doing business under one or more fictitious names shall, with respect to each fictitious name comply with Chapter 5 of Part 3 of Division 7 of the Business and Professions Code of California entitled, "Fictitious Business Names" (and subsequent amendments thereto), and to show compliance therewith such carrier shall file with this Commission certified copies of fictitious business name statements and affidavits of publication required to be filed with the clerk of the county in which the principal place of the carrier is, or in the case of cessation of doing business was, situated.</p> <p>2. Upon abandonment of use of fictitious business name, any carrier doing business under one or more fictitious names shall file with this Commission a statement of abandonment of use of fictitious business name.</p> <p>3. Carriers shall show the following information on their stationery, shipping documents and related forms:</p> <ul style="list-style-type: none"> <li>(a) All names, both real and fictitious, used by the carrier in conducting its operations.</li> <li>(b) The address of its principal place of business, designated as such, and of such local offices as may be desired where business with the public is conducted.</li> <li>(c) Identification of the name under which the particular transportation is performed where more than one name is listed.</li> </ul> <p>4. The books of account of each carrier shall be maintained in such form as to show separately the revenues derived from the operations conducted under each name used by such carrier.</p> <p>5. Carriers listing more than one name in the classified section of a telephone directory shall cross-reference each such name to all other such names so listed.</p> <p>6. Carriers shall not advertise rates in any telephone directory.</p> <p>*7. Printed advertising matter, including hand bills, newspaper advertising, and telephone directory advertisements which advertise or solicit the intrastate movement of used household goods within the State of California shall show the household goods carrier's "T" file number as issued by the Commission. The number shall be printed in this manner: "CAL T-_____".</p> <p>8. Carriers shall not, in any manner, misrepresent the scope of their services which are offered and made available to the public. Specifically carriers shall:</p> <ul style="list-style-type: none"> <li>(a) Not advertise or otherwise represent themselves under any name different from that under which their effective permits are issued by the Commission.</li> </ul> <p style="padding-left: 40px;">EXCEPTION.--Carriers who are duly authorized agents for other carriers as defined herein, for highway common carriers as defined in the Public Utilities Act, or for motor carriers operating under the jurisdiction of the Interstate Commerce Commission, may advertise and represent themselves as such an agent.</p> <ul style="list-style-type: none"> <li>(b) Not advertise or otherwise represent that carrier operations are conducted at addresses or locations where the carrier or his duly authorized agent does not maintain a place of business. The location of a telephone answering service is not "a place of business" as such term is used in this item.</li> <li>(c) Not include in any advertising misleading description and displays of nonexistent facilities.</li> </ul> <p>9. When a shipper is furnished a copy of the Probable Cost of Services form provided by Item 31, paragraph 1, the carrier shall concurrently furnish to the shipper an informational summary to be entitled "Important Notice to Shippers of Household Goods." If a Probable Cost of Services form is not furnished, the shipper shall be furnished a copy of the informational summary not later than commencement of the loading of the shipment. The forms specified in Section 4 will be suitable and proper.</p>	<p>630</p>
<p>             ◊ Change )              * Addition )              Δ Change, neither increase )                nor reduction )           </p>	<p>Decision No. <b>86965</b></p>
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 1--RULES AND REGULATIONS (Continued)	ITEM
<p style="text-align: center;"><b>DELAYS IN PICKUP OR DELIVERY</b></p> <p>*(a) If a carrier agrees with a shipper to pickup a shipment of used household goods on a specified date and/or time and it is unable to fulfill that commitment, the carrier shall notify the shipper, or person designated by the shipper, by telegram or telephone, at the carrier's expense, as soon as it becomes apparent that a promised date and/or time will not be met.</p> <p>(b) Whenever a carrier is unable to make delivery of a shipment of household goods on the date or during the period specified in the receipt or shipping order, the carrier shall notify the shipper, or person designated by the shipper, by telegram or telephone, at the carrier's expense, of the date on which delivery of the shipment will be made; such notification to be given not less than 24 hours prior to the date or during the period shown on the receipt of shipping order except when the circumstances causing the delay occur at a later time, in which case the notice shall be given as soon as possible but in no event more than 24 hours after the occurrence, provided, that the requirement of this paragraph shall not apply where the carrier is unable to obtain from the shipper an address or telephone number for such notification.</p> <p>*(c) Claims for reimbursement for damages to a shipper because of carrier negligence in failing to pick up a shipment on the date promised or failing to deliver a shipment by the preferred date or period of time specified in the shipping order, confirmation of shipping instruction and rate quotation document, or other contract of carriage, presented by the shipper to the carrier shall be responded to by the carrier in accordance with Rule 2.7 of General Order No. 139.</p>	<p style="text-align: center;">162</p>
<p style="text-align: center;"><b>WAITING OR DELAY</b></p> <p>When vehicle is held for convenience of the shipper or consignee through no fault of the carrier in connection with shipments moving or to be moved under rates contained in Items 300 or 320, a charge at the hourly rates provided in Item 330 will be assessed for each hour or fraction thereof over one hour.</p>	<p style="text-align: center;">165</p>
<p style="text-align: center;"><b>SPLIT PICKUP</b></p> <p>Split pickup service may be accorded subject to the following conditions:</p> <p>(1) The charge for the composite shipment shall be paid by one consignor, consignee, or other interested party.</p> <p>(2) Split delivery service shall not be accorded.</p> <p>(3) In the event a lower aggregate charge results from treating one or more component parts as a separate shipment said charge may be applied.</p> <p>(4) Charges shall be computed as follows:</p> <p>(a) Under hourly rates (Item 330). Apply applicable rate for the total time consumed in loading at the point of origin of each component part, and unloading at point of destination, plus double the driving time between each such point. (Total time shall be converted into hours and/or fractions thereof in accordance with the provisions of Item 95.)</p> <p>(b) Under distance rates (Items 300 and 320). Apply the applicable rate to the total weight of the composite shipment for the distance from point of origin of any component part to point of destination via the points of origin of all other component parts, plus an additional charge of \$22.10 for each stop to load between first point of origin and point of destination.</p>	<p style="text-align: center;">170</p>
<p>Change ) Addition ) Decision No. <b>86965</b></p>	
<b>EFFECTIVE</b>	
<p style="text-align: center;">Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

## MINIMUM RATE TARIFF 4-B

SECTION 4--FORMS OF DOCUMENTS (Continued)	ITEM
<p style="text-align: center;">IMPORTANT NOTICE TO SHIPPERS OF HOUSEHOLD GOODS (Continued)</p> <p style="text-align: center;">(Items 430, 431, 432 and 433)</p> <p><u>Weights.</u> The transportation charges will be determined on the basis of the weight of your shipment. Ordinarily, the carrier will weigh its empty or partially loaded vehicle prior to the loading of your goods. After loading, it will again weigh the vehicle and determine the weight of your shipment. If your shipment weighs less than 1,000 pounds, the carrier may weigh it at its terminal without securing a weighmaster's certificate.</p> <p>If you so request, the carrier will notify you by telegraph or telephone of the weight of your shipment and the charges as soon as the weight has been determined. This will be at your expense.</p> <p>If you question the weight reported by the carrier, you may request that the shipment be reweighed prior to delivery. Reweighing will be accomplished only where it is practicable to do so. An extra charge may be made for reweighing, but only if the difference between the two net weights obtained does not exceed 100 pounds (if your shipment weighs 5,000 pounds or less) or does not exceed two percent of the lower net weight (if your shipment weighs more than 5,000 pounds). The lower of the two net weights must be used in determining the charges.</p> <p><u>*Preferred Pickup Date--Delay.</u> If the carrier agrees to pick up your goods on a particular day and/or at a specified time, every effort must be made to meet that commitment. If for some reason the time or date cannot be met, the carrier must notify you or the party you designate, by telegraph or telephone, at carrier's expense, as soon as it becomes apparent that the pickup will not be as promised.</p> <p><u>Preferred Delivery Date--Delay.</u> The carrier is not obligated to deliver your goods on any particular day, but only to deliver within a reasonable time. However, when the goods are loaded, the carrier must specify on the shipping order the delivery date (or period) which you prefer.</p> <p><u>Notification of Delay.</u> The carrier is required to notify you of any delays in delivery. If the carrier finds that it cannot deliver by the preferred delivery date it is required to notify you by telegraph or telephone at least 24 hours in advance if that is possible, or as soon thereafter as possible. Be sure to give the carrier an address or telephone number where such messages can be sent.</p> <p><u>*Delay Claims.</u> Claims for reimbursement for damages to a shipper because of carrier negligence in failing to pick up a shipment on the date promised or failing to deliver a shipment by the preferred date or period of time specified in the shipping order, confirmation of shipping instruction and rate quotation document, or other contract of carriage, presented by the shipper to the carrier shall be responded to by the carrier in accordance with Rule 2.7 of General Order No. 139.</p> <p><u>Packing.</u> Many articles must be packed in barrels, cartons or crates so that they can be handled safely. Wardrobes are usually supplied for garments. There is a charge per container for these services. You may do your own packing. However, the carrier is not responsible for damage resulting from faulty packing you perform. The carrier will unpack containers, if you wish. Be sure mechanisms of refrigerators, washers and other appliances are serviced to prevent damage during movement.</p> <p style="text-align: center;">(Continued in Item 432)</p>	#431
<div style="display: flex; justify-content: space-between;"> <div>           * Change )            * Addition )         </div> <div>           Decision No. <b>86965</b> </div> </div>	
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