

Decision No. 90127 ; MAR 27 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion for the purpose of consid-)
ering 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
Petition for Modification
No. 1037
(Filed November 22, 1978;
Amended January 11, 1979)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, as amended, the California Trucking Association seeks to amend Item 897 of MRT 2 by adding the definitions of pneumatic and specialized equipment and revising the capacity of the containers for bulk shipments in connection with Truckload Efficiency Service.

The Truckload Efficiency Service rates and related provisions were established on an experimental basis to enable a period of shipper and carrier use and exposure to the new concept, prior to evaluating the need for further revision.

Petitioner states that since the establishment of Truckload Efficiency Service by Decision 86833, dated January 5, 1977, carriers and shippers have gained considerable experience under the actual operating conditions prescribed by this item. This operational experience has given the carriers a chance to evaluate the application of the item to the movement of all kinds of truckload commodities. In the evaluation process it has become apparent that the provisions of note 10, of this item, should be clarified by the addition of the definitions for pneumatic and specialized equipment and revising the capacity of the containers in which bulk shipments may be contained which results in a reduction.

The petition and amendment were listed on the Commission's Daily Calendars of November 22, 1978 and January 15, 1979, respectively. No objection to the granting of the petition, as amended, has been received.

In the circumstances, the Commission finds that petitioner's proposal, as amended, is reasonable. A public hearing is not necessary. The Commission concludes that the petition, as amended, should be granted as set forth in the ensuing order.

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision 31606, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, Second Revised Page 66-N-64, attached hereto and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision 31606, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.
3. Tariff publications authorized to be made by common carriers as a result of this order may be filed not earlier than thirty-nine days after the date hereof, on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.
4. Common carriers, in establishing and maintaining the amendments authorized by this order, are 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 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.

C. 5432, Pet. 1037 - avm/FS

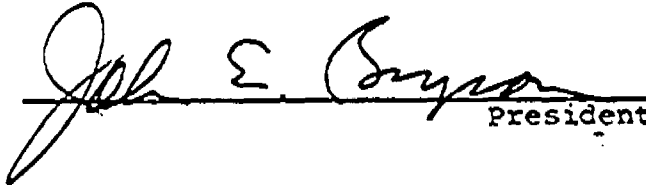
5. In all other respects, Decision 31606, as amended, shall remain in full force and effect.

6. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariff 2.


7. The Executive Director shall serve a copy of each tariff amendment on each subscriber to Minimum Rate Tariff 2.

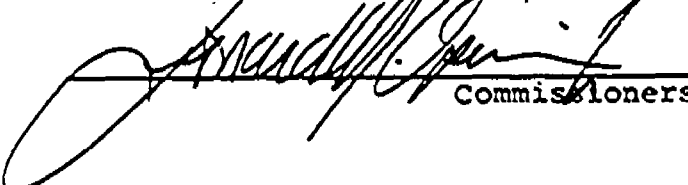
The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 27th
day of MARCH, 1979.



President





Commissioners

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

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

MINIMUM RATE TARIFF 2

SECTION 3-B--VOLUME INCENTIVE SERVICE (Continued)	ITEM																										
VOLUME INCENTIVE SERVICE EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF																											
TRUCKLOAD EFFICIENCY SERVICE (Continued) APPLICATION OF RATES																											
<p>5. The carrier's maximum liability in connection with shipments transported under rates in this item shall be one-half (1/2) of actual value or 50 cents per pound, per article, whichever is less.</p> <p>6. Mixed shipments shall be charged for at the rate applicable to the highest rated commodity in the shipment.</p> <p>7. Rates in this item may not be used in combination with any other rates, except as authorized herein.</p> <p>8. Except as provided in individual items, rates in this item will not apply in connection with shipments accorded services provided in the following items:</p> <table border="0" data-bbox="330 764 1073 1048"> <tr><td>a) Item 85-----</td><td>Shipments Transported in Multiple Lots</td></tr> <tr><td>b) Item 110-----</td><td>Deductions</td></tr> <tr><td>c) Item 124-----</td><td>Escort Service</td></tr> <tr><td>d) Item 128-----</td><td>Permit Shipments</td></tr> <tr><td>e) Item 140-----</td><td>Accessorial Services</td></tr> <tr><td>f) Item 142-----</td><td>Delays to Equipment</td></tr> <tr><td>g) Item 143-----</td><td>Delays to Equipment on Whole Grain</td></tr> <tr><td>h) Item 144-----</td><td>Delays to Equipment on Lumber</td></tr> <tr><td>i) Items 160-163-----</td><td>Split Pickup</td></tr> <tr><td>j) Items 170-173-----</td><td>Split Delivery</td></tr> <tr><td>k) Item 181-1-----</td><td>Special C.O.D. Service</td></tr> <tr><td>l) Item 182-----</td><td>Collect on Delivery (C.O.D.) Shipments</td></tr> <tr><td>m) Item 188-----</td><td>Multiple Service Shipments</td></tr> </table> <p>9. Applies with Item 896 (Multiple Utilization of Equipment).</p> <p>9010. The provisions of this item will not apply in connection with shipments transported in bulk in pneumatic equipment, regardless of whether pneumatic facilities are utilized in loading or unloading; nor will the provisions of this item apply in connection with shipments transported in bulk in specialized equipment. For purposes of applying the provisions of this note, the following definitions of terms apply:</p> <p>*(a) BULK means shipments not in bags, sacks, packages or other containers (except bins of not less than 200 cubic feet capacity).</p> <p>*(b) PNEUMATIC EQUIPMENT means carrier's equipment capable of unloading by air pressure in defiance of gravity;</p> <p>*(c) SPECIALIZED EQUIPMENT means carrier's equipment capable of loading or unloading shipments in bulk by use of an integral power assisted mechanism and includes such equipment as walking floor and chain floor trailers and end dump trailers.</p> <p>11. The charge for service under the provisions of this item shall be determined by assessing the truckload rate applicable to the commodity or commodities in the shipment as set forth in Item 897.1 (Truckload Efficiency Service Rates).</p> <p style="text-align: center;">(Continued on following page)</p>	a) Item 85-----	Shipments Transported in Multiple Lots	b) Item 110-----	Deductions	c) Item 124-----	Escort Service	d) Item 128-----	Permit Shipments	e) Item 140-----	Accessorial Services	f) Item 142-----	Delays to Equipment	g) Item 143-----	Delays to Equipment on Whole Grain	h) Item 144-----	Delays to Equipment on Lumber	i) Items 160-163-----	Split Pickup	j) Items 170-173-----	Split Delivery	k) Item 181-1-----	Special C.O.D. Service	l) Item 182-----	Collect on Delivery (C.O.D.) Shipments	m) Item 188-----	Multiple Service Shipments	(E) 8897 (Con- tin- ued)
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(E) Expires with January 31, 1980. ♂ Change) * Addition) Decision No. 90127 ♂ Reduction)																											
EFFECTIVE MAY 5, 1979																											
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.																											

Correction