

91169

DEC 18 1979

ORIGINAL

Decision No.

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 used)
household goods and related)
property statewide as provided)
in Minimum Rate Tariff 4-B and)
the revisions or reissues)
thereof.

Case No. 5330
Petition for Modification No. 111
(Filed November 21, 1979)

OPINION AND ORDER

California Moving and Storage Association, a non-profit corporation, whose membership is composed of approximately 600 carriers engaged in the transportation of household goods and related articles, requests the Commission to issue an ex parte order extending the present expiration date of December 31, 1979 in Item 33.7 of Minimum Rate Tariff 4-B until the conditions in Finding 4 of Decision 89227 dated August 8, 1978, have been met; and that said order include increasing the present 2½ percent level of tolerance, regarding underestimates in connection with Carrier's Probable Cost of Services document, to 10 percent with an expiration date consistent with the order in Item 33.7.

As petitioner's request to change the present 2½ percent level of tolerance to 10 percent in Item 33.7 is under consideration by the Commission in connection with Petition for Modification 103, filed by petitioner, this matter is not appropriate for ex parte handling at this time.

Petitioner's request to extend the expiration date beyond December 31, 1979 in Item 33.7 has merit and the Commission believes that this is a reasonable request. The expiration date in Item 33.7 should be extended for an additional year to December 31, 1980 in order for the Commission staff to complete its study as directed by Finding 4 of Decision 89227.

IT IS ORDERED that:

1. Minimum Rate Tariff 4-B (Appendix C to Decision 65521, as amended) is further amended by incorporating therein, to become effective January 1, 1980, Third Revised Page 7-BBBB, 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 65521, as amended, are directed to establish in their tariffs the change necessary to conform with the further adjustment ordered by this decision.

3. Tariff publications required to be made by common carriers as a result of this order shall be filed and made effective January 1, 1980 on not less than one day's notice to the Commission and the public.

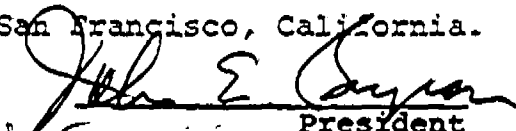
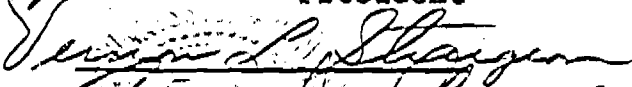


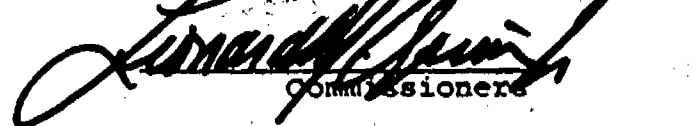
4. In all other respects Decision 65521, as amended, shall remain in full force and effect.

5. 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 4-B.

6. The Executive Director shall serve a copy of the tariff amendment on each subscriber to Minimum Rate Tariff 4-B.

The effective date of this order is the date hereof.

Dated DEC 18 1979, at San Francisco, California.


President




Commissioners

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">PENALTIES AND REPORTING OF UNDERESTIMATES (See Exception in Item 31)</p> <ol style="list-style-type: none"> 1. An underestimate occurs when the charge assessed by the carrier exceeds the original estimate by more than (a) 24 percent or \$15.00, whichever is greater, on distance moves involving rates in Items 300 and 320, plus the charge on the Addendum Order for Service, or (b) 10 percent or \$15.00, whichever is greater, on hourly moves, plus the charge on the Addendum Order for Service. 2. The penalty for underestimating is the difference between the charge under the applicable minimum rates, on the one hand, and the charge based on the estimate plus (X) 10 percent or (Z) \$60.00, whichever is greater, on distance moves involving rates in Items 300 and 320 plus the charge on the Addendum Order for Service, or 10 percent or \$15.00, whichever is greater, on hourly moves involving rates in Item 330, plus the charge on the Addendum Order for Service, on the other hand. 3. Penalties for underestimates shall be paid to the Commission for deposit in the General Fund of the State of California. Each underestimate subject to a penalty shall be reported within thirty days after completion of the transportation service. The report shall be accompanied by a check or money order made payable to the Commission for the amount of the penalty imposed, whether or not the carrier has received full payment for its services. 4. The Commission shall furnish to each carrier subject to this tariff a sample form for the information of the carrier to be used for reporting underestimates, and penalties. It is the carrier's responsibility to reproduce necessary copies of the form for its own use. 5. Every Household Goods Carrier and officer, director, agent or employee of any Household Goods Carrier who deliberately underestimates charges applicable to the carriage of goods under Minimum Rate Tariff 4-3, in order to encourage a shipper to engage its transportation services is subject to the penalties and restrictions provided in Article 7 and 8 of the Household Goods Carriers Act. For the purposes of this rule, a deliberate underestimate shall mean the tendering of a willful and intentional quotation of probable cost of services less than that required by application of unit costs prescribed in Minimum Rate Tariff 4-3, with knowledge that the actual charges required by the tariff will be more than the amount of the quotation or estimate. 	<p>d33.7</p>
<p>906(Z) Expires December 31, 1980.</p> <p>o Change) o Increase) Decision No. 91169 o Reduction)</p>	
<p>EFFECTIVE JANUARY 1, 1980</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>