Decision No.

92900 APR 71981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
for the purpose of considering and)
determining minimum rates for trans-)
portation 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. 114
(Filed March 18, 1980)

Loughran & Hegarty, by Edward J. Hegarty, Attorney at Law, and Thomas J. Hays, for California Moving & Storage Association, Inc., petitioner.

David R. Wallace, for California Department of General Services; Alan Edelstein, Attorney at Law, for California Teamsters Public Affairs Council;

Tad Muraoka, for IBM Corporation and California Manufacturing Association; C. D. Gilbert, H. Hughes, J. C. Kaspar, for California Trucking Association; and Robert C. Johnson, for Bekins Moving & Storage Co., interested parties.

William J. Jennings Attorney at Law Price H. Kannada.

William J. Jennings, Attorney at Law, Bruce H. Kennedy, and John Lemke, for the Commission staff.

INTERIM OPINION ON REHEARING

This application, filed by the California Moving and Storage Association (CMSA) in March of 1980, requests that the rates and charges contained in Minimum Rate Tariff 4-B be increased between 5.3 percent and 8.8 percent to offset certain increased expenses. By Decision No. 92017 dated July 2, 1980, we dismissed this application based primarily on the finding that household goods carriers require no specific authority from the Commission to increase their rates.

CMSA filed a petition for rehearing on July 28, 1980, which was granted by Decision No. 92313 dated October 8, 1980.



After the grant of rehearing, but before the hearings were held, CMSA amended the original petition by requesting an additional increase of 8 percent in the minimum rate tariff to reflect increased costs to be incurred between April and July of 1981.

Four days of hearing were held before Administrative Law Judge Henderson, during the first week of January 1981 in San Francisco and Los Angeles. This decision will only be concerned with the original Petition No. 114. The amendment to the petition, involving certain cost increases to be incurred between April and July 1981, will be considered in a subsequent decision.

Extensive testimony was presented by the CMSA, Teamsters Public Affairs Council, the Consumer's Affairs Branch of the Commission staff (CAB) and the Transportation Division of the Commission staff (Transportation Division). The issues raised were presented most concisely in the arguments of the CAB and the Transportation Division.

Discussion

- The essence of the argument of the CAB is:
- 1. Household goods carriers require no authority from the Commission to increase their rates.
- 2. Substantial numbers of shipments are presently transported at rates above the minimum.
- 3. Because of 1 and 2 above, there exists a fairly competitive environment in the household goods moving industry which benefits consumers.
- 4. Therefore, the present minimum rates should not be increased at this time.

The position of the staff of the Transportation Division is:

1. The Commission has followed a policy of updating the minimum rate tariffs until hearings in the reregulation proceeding have commenced.

- 2. CMSA has used the preferred methodology (direct wage cost offset) in calculating the increase.
 - 3. The reregulation proceeding on this tariff is imminent.
 - 4. Therefore, the increase should be granted.

While acknowledging the validity of the position of the CAB, we will adopt the position of the Transportation Division in order to maintain a consistent policy of updating the minimum rate tariffs at least until hearings on the reregulation have commenced. Findings of Fact

- 1. Since the rates were last generally adjusted in Minimum Rate Tariff 4-B, carrier operating costs have risen with respect to transportation services performed under the provisions of that tariff.
- 2. CMSA requests offset increases based on the direct wage cost offset method to reflect the increased costs referred to in Finding 1 above.
- 3. The proposed rate increases amount to an average of 5.3 percent for distance rates. For hourly rates, increases amount to an average of 8 percent for Territory A, 8.7 percent for Territory B, and 8.8 percent for Territory C. The proposed rate increases will result in approximately 10.5 million dollars additional annual tariff revenue.
- 4. Substantial number of household goods shipments are presently transported at rates above the minimum rate level.
- 5. Household goods carriers require no specific authority from the Commission to increase their rates.
- 6. The Transportation Division staff recommends that the increase be granted.
 - 7. CAB staff recommends that the increase be denied.
- 8. Hearings have been set for May 4, 1981 in the reregulation proceeding for Minimum Rate Tariff 4-B.



- 9. The increases in rates and charges authorized by this decision are justified and are reasonable; and the present rates and charges, insofar as they differ from those prescribed by this decision, are for the future unjust and unreasonable.
- 10. Because the cost increases referred to in Finding 1 have been incurred as early as July 1, 1980, this order should be made effective the date of signature.

Conclusion of Law

Petition for Modification filed March 1980 to the extent ordered herein should be granted.

INTERIM ORDER

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 April 25, 1981, the revised pages set forth in Appendix A, attached hereto.
- 2. In all other respects Decision No. 65521, as amended, shall remain in full force and effect.



C.5330, Pet. 114 ALJ/rr/ec

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

The	effective			order	is	the	date	here	of.
Date	edAPI	7	1981	 	at :	San 1	Franc	isco.	California

Al 2 Commissioners



APPENDIK A

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 4-B

F	IFTEENTH	REVISED	PAGE	9
N	INETEENTH	REVISED	PAGE	10
S	IXTEENTE	REVISED	PAGE	17
111	IFTEENTH	REVISED	PAGE	18
ž	IFTEENTH	REVISED	PAGE	26
F	Troeenoh	REVISED	PAGE	27
T	HIRTY - THIRD	REVISED	PAGE	-28
Ī	HIRTY - SECOND	REVISED	PAGE	29

(END OF APPENDIX A)





ITEM SECTION 1 -- RULES (Continued) MIXED SHIPMENTS (a) When one or more commodities for which rates are not provided in this tariff are included in the same shipment with commodities for which rates are herein provided, the rate or rates applicable to the entire shipment may be determined as though all of the commodities were ratable under the provisions of this tariff at the combined weight of the mixed shipment; or the commodities for which rates are provided in this tariff may be transported at the applicable rates provided herein, and the commodities for which rates are not provided herein, at the rates provided in other Commission tariffs or which might be otherwise applicable, provided separate weights or other authorized units of measurement are furnished or obtained. In the event that the latter basis is used, the minimum charges provided in this tariff shall apply to the entire shipment. (b) When any uncrated portion of a shipment of commodities for which rates are herein provided requires protection against damage after receipt thereof by the carrier and such protection is afforded by the carrier by packing such uncrated portion of the shipment in containers, such portion so packed shall be rated as uncrated property. APPLICATION OF RATES (a) Rates provided in Items 300, 320, 330 and 340 are for the transportation of shipments from point of origin to point of destination, from point of origin to point of storage-in-transit, or from point of storage-in-transit to point of destination, and include pickup and delivery, subject to Item 75. (b) For transportation of shipments for distances of 50 miles or less, rates shall apply in cents per hour (See Note), in cents per piece, or in cents per 100 pounds (Items 300, 320, 330 and 340), subject to Items 145, 150 and 155. For transportation in excess of 50 miles, rates in Items 300 and 320 shall apply, subject to Item 55. (d) Rate in Item 350 shall apply for the accessorial services of packing and unpacking in the territory in which the service is performed. 70 (e) Item 360 provides rates for transportation of empty shipping containers and a basis of charges for the furnishing of shipping containers and packing materials by the carrier. Item 80 provides valuation charges for all shipments not released to a value of sixty (60) cents per pound, per article. NOTE. -- The highest rated territory in or through which any service is performed shall determine the applicable hourly rate. PICKUP AND/OR DELIVERY AT OTHER THAN GROUND FLOOR When shipments are picked up or delivered, or both, at other than ground floor, the following additional charges per pickup or delivery per flight and/or long carry shall be assessed: 75 At hourly rates (Item 330) No additional charge. At piece rate (Item 340) 180 cents per piece. At distance rates (Items 300 and 320) 60 cents per 100 pounds. ♦ Increase, Decision No. 92900

EFFECTIVE

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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.



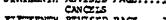


1MUM RATE TARIFF 4-3 ZICHTENTH REVISED PACE	<u></u>
SECTION 1RULES (Continued)	ITEM
DECLARATION OF VALUEVALUATION CHARGES (Concluded)	
(f) The following minimum valuation charges will apply to all shipments not released to a value of 60 cents per pound per article (See Note 1):	
TRANSPORTATION VALUATION CHARGE	
50 cents per each \$100 (or fraction thereof) of released valuation. (See Note 3)	
STORACE-IN-TRANSIT VALUATION CHARGE	
10 cents per each \$100 (or fraction thereof) of released valuation. (See Note 2)	۵
NOTE 1If the shipper wishes to avoid these additional charges, he must enter a released value of 60 cents per pound per article on the shipping document.	(Cor.
NOTE 2No charge shall be made where storage-in-transit of a shipment is undertaken for carrier's convenience.	•6)
NOTE 3On shipments which are stored in transit in accordance with the provisions of Item 180, separate transportation valuation charges shall be assessed for the transportation from initial point of origin to point of storage and for the transportation from point of storage to point of destination.	
(g) Each shipping piece or package and contents thereof shall constitute one article, except that total component parts of any article taken apart or knocked down for handling and loading in vehicle shall constitute one article for the purpose of determining carrier's liability. (See Note)	
NOTEWhen an entire shipment is transported in containers, lift vans, or shipping boxes, each shipping package, piece, or loose item not enclosed within a package in such containers, lift vans, or shipping boxes will constitute the article.	
DISPOSITION OF FRACTIONS	
In computing a rate based on a percentage of another rate, the following rule shall be observed in the disposition of fractions:	85
Fractions of less than h or .50 of a cent, omit.	
Fractions of h or .50 of a cent or greater, increase to next whole figure.	
DIVERTED SHIPMENTS	
Charges upon a shipment transported under rates provided in Items 300 or 320 which has been diverted shall be computed at the applicable rate in effect on date of shipment from point of origin via each point where diversion occurs to final destination, plus an additional charge of \$14.35 for each diversion.	90

\triangle Change, neither increase or decrease \lozenge Increase)	Decision No.	92500
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Correction

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SECTION 1RULES (Continued)	ITEM
DELAYS IN PICKUP OR DELIVERY (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. (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.	162
(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.	
WAITING OR DELAY	
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.	165
SPLIT PICKUP	
Split pickup service may be accorded subject to the following conditions:	
(1) The charge for the composite shipment shall be paid by one consignor, consigner, or other interested party.	
(2) Split delivery service shall not be accorded.	
(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.	0
(4) Charges shall be computed as follows:	170
(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.)	
(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	

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SECTION 1RULES (Continued)	IT
SPLIT DELIVERY	
Split delivery service may be accorded subject to the following conditions:	
(1) The charge for the composite shipment shall be paid by one consignor, consignee, or other interested party.	
(2) Split pickup service shall not be accorded.	
(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.	
(4) Charges shall be computed as follows:	
(a) Under hourly rates (Item 330). Apply applicable rate for the total time consumed in loading at point of origin and unloading at point of destination of each component part, 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.)	1
(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 to point of destination of any component part via the points of destina- tion of all other component parts, plus an additional charge of \$30.95 for each stop to unload between point of origin and final point of destination.	
STORAGE IN TRANSIT (See Note 1) Shipments may be stored once in transit for a period not to exceed 60 days from the date of unloading at storage point. (See Note 2)	
Charges shall be computed on the following basis:	
(a) The applicable transportation rate from initial point of origin to point of storage, plus	
(b) The applicable transportation rate from point of storage to point of destination, plus	
(c) Warehouse handling and storage charge of \$1.45 per 100 pounds for each 30-day period or fraction thereof, subject to a minimum charge of \$7.00 for each 30-day period.	
NOTE 1On shipments subject to hourly rates both into and out of point of storage in transit the weight of the shipment for purposes of determining the	
storage-in-transit charge may be estimated by multiplying the total cubic feet of storage space occupied by the shipment on the warehouse platform or in the warehouse by 7 pounds per cubic foot.	- 1

♦ Increase, Decision No.

92900

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SECTION 3--RATES

ITEM

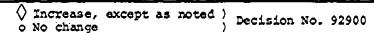
DISTANCE RATES IN CENTS PER 100 POUNDS (1) (2) (3) (4)

Rates named in this item apply only to shipments transported between points located within Region 1. (See Note)

Miles		les		Minimum Weight				
	Over	But Not Over	Any Quantity	1,000 Pounds	2,000 Pounds	5,000 Pounds	8,000 Pounds	
	0	10	2135	1305	935	780	680	
	10	20	2170	1345	965	795	~695	
ĺ	20	30	2205	1365	980	825	710	
	30	40	2240	1380	1000	830	720	
ŀ	40	50	2265	1410	1015	840	-7 30	
l	50	60	2300	1430	1025	860	745	
	60	70	2335	1445	1040	875	755	
	70	80	2370	1465	1055	890	770	1
	80	90	2400	1490	1070	910	790	
Į.	90	100	2445	1515	1080	930	805	
	100	120	2490	1535	1100	945	825	
•	120	140	2545	1570	1125	965	850	
1	140	160	2610	1610	1160	1000	880	
1	160	180	2675	1650	1190	1030	905	
1	180	200	2745	1685	1215	1065	935	
ŧ	200	225	2820	1740	1255	1105	965	\Diamond
i	225	250	2910	1800	1280	1140	1010	
ł	250	275	2990	1835	1325	1175	1035	300
	275	300	3055	1875	1355	1210	1085	ı
	300	325	3110	1915	1390	1240	1115	
	325	350	3160	1955	1420	1270	1150	
[_	350	375	3215	1990	1450	1305	1185	
•	375	400	32 80	2020	1480	1340	1220	İ
	400	425	3310	2050	1510	1375	1245	
}	425	450	3335	2080	1540	1405	1275	
•	450	475	3365	2120	1570	1445	1320	
ł	475	500	3410	2160	1605	1480	1350	- 1
Į	500	550	3460	2220	1665	1520	1395	- }
	550	600	3520	2275	1705	1590	1450	
	600	650	3570	2320	1760	1645	1520	Į
	650	700	3630	2375	1815	1710	1565	Í
	700	750	3680	2425	1865	1755	1610	
	750	800	3735	2475	1915	1805	1655	
	800	850	3780	2515	1960	1855	1700	
	850			for 850 miles fraction there				

⁽¹⁾ Minimum Charge-the charge for 100 pounds at the applicable rate.

NOTE. -- Rates named in this item apply in connection with split pickup and split delivery shipments only when points of origin and points of destination of all component parts of such shipments are located within Region 1. Rates named in Item 320 shall apply to split pickup and split delivery shipments excluded from the provisions of this item.



EFFECTIVE April 25, 1981

⁽²⁾ See Item 70 for application of rates.

⁽³⁾ See Item 50 for computation of distances.

⁽⁴⁾ See item 220 for Region descriptions.



SECTION 3--RATES

ITEM

DISTANCE RATES IN CENTS PER 100 POUNDS (1) (2) (3) (4)

Rates named in this item apply only to shipments transported between points located within Region 1. (See Note)

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750 800 3735 2475 1915 1805							
	1805	,	1915	2475	3735		
2,00 2,00 1,000	1855		1960	2515	3780	850	800
850 O Add to rate for 850 miles 45 cents per 100 pounds for e		}				1	

- Minimum Charge—the charge for 100 pounds at the applicable rate. See Item 70 for application of rates.
 See Item 50 for computation of distances.
 See item 220 for Region descriptions.
- (2) (3) (4)

NOTE. --Rates named in this item apply in connection with split pickup and split delivery shipments only when points of origin and points of destination of all component parts of such shipments are located within Region 1. Rates named in Item 320 shall apply to split pickup and split delivery shipments excluded from the provisions of this item.

0	Increase,	except	A5	noted
	No change			

Correction

Decision No.

92900

EFFECTIVE

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.





SECTION 3-- PATES (Continued)

ITEM

DISTANCE RATES IN CENTS PER 100 POUNDS (1) (2) (3) (4)

Rates named in this item apply only to shipments transported between points located within Region 2; and between points located in Region 1, on the one hand, and points located in Region 2, on the other hand.

Miles			Minimum Weight				
Over	But Not Over	Any Quantity	1,000 Pounds	2,000 Pounds	5,000 Pounds	8,000 Pounds	
	10	2135	2305	935	780	680	
10	20	2170	1345	965	795	695	
20	30	2205	1365	980	825	705	
30	40	2240	1380	1000	830	726	
40	50	2270	1415	1015	850	735	
50	60	2305	1445	1040	860	745	
60	70	2340	1465	1050	875	755	
70	80	2380	1490	1065	890	770	
80	90	2420	1515	1080	910	770 790	
90	100	2470	1545	1100	930	805	
100	120	2530	1585	1125	955	825	
120	140	2595	1630	1155	980	855	
140	160	2665	1670	1185	1025	885	
160	180	2740	1720	1225	1065	920	
180	200	2830	1770	1255	1100	955	
200	225	2930	1850	1305	1145	1005	
225	250	3015	1900	1340	1175	1005	
250	275	3090	1945	1375	1220	1035	
275	300	3160	1990	1410			
300	325	3210	2035	1410	1260 1295	1125 1165	
		{		1	1		
325	350	32 80	2080	14 80	1325	1205	
350	375	3305	2110	1510	1365	1235	
375	400	3365	2140	1540	1405	1265	
400	425	3405	2170	1565	1435	1290	
425	450	3450	2195	1600	1465	1325	
450	475	3480	2220	1625	1485	1355	
475	500	3510	2255	1660	1510	1385	
500	550	3555	2300	1695	1350	1425	
550	600	3580	2335	1740	1615	1475	
600	650	3620	2370	1785	1675	1520	
650	700	3655	2405	1825	1		
700	750 750	3700	2405		1730	1565	
750	800	3735		1860	1765	1620	
800	850	3735	2475	1915	1805	1655	
	930	3/80	2515	1960	1855	1700	
850		o Add to rate 50 miles or	for 850 miles	45 cents per	100 pounds	for each	

Minimum Charge—-the charge for 100 pounds at the applicable rate. See Item 70 for application of rates. See Item 50 for computation of distances. See Item 220 for Region descriptions.

 $\begin{picture}(20,0) \put(0,0){\line(0,0){100}} \put(0,0){\line(0,0){100$ 92900

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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.



⁽¹⁾ (2) (3)



THIRTY-THIRD REVISED PAGE.....28 CANCELS
THIRTY-SECOND REVISED PAGE....28 MINIMUM BATE TARLES 4-B. SECTION 3--RATES (Continued) ITEM RATES IN CIDITS PER HOUR (1) (2)

(Applies for Distances of 50 Constructive Miles or Less)

	7]		
Unit of Equipment:	Α	3	¢	
(a) with driver	2775	21.30	2345	
(b) with driver and 1 helper	5190	3700	4145	330
Additional helpers, per man	1885	1010	1195	
Minimum Chargethe charge for one hour.				
(1) See Item 70 for application of rates.				
(2) See Item 95 for computation of time.	1			1
(3) See Item 210 for territorial descriptions.				[

DISTANCE RATES IN CENTS PER PIECE (1) (2) (Applies to Shipments of Not More Than 5 Pieces for Distances of 50 Miles or Less)

	FIRST PIZCE		
	MILIS (3)	Each Additional	
Not Over 10	Over 10 but Not Over 20	Over 20	Piece
1910	3555	4965	660

- (1) See Item 70 for application of rates.
- (2) Rates in this item will not apply to split pickup or split delivery shipments, or storage in transit privileges.
- (3) See Item 50 for computation of distances.

\(\) Increase, Decision No.	92900
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ZFFECTIVE

◊ 340

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.





		SI	ECTION 3RATES	(Concluded)				ITEM
		Rates in	ACCESSORIAL		(2) (3)			
				 .		TERRITORY	(4)	
					λ	3	С	
		Packir Unpaci			2350	1720	1920	350
	Mini	imum Charge—th	e charge for one	e hour.				
(1)	See	Item 70 for ap	plication of rat	tes.		<u></u>		
(2)	See	Item 95 for co	mputation of tim	me .				
(3)	RATE	es do not inclu	de cost of mater	rials. (See	Item 360)			
(4)	See	Item 210 for d	lescription of te	erritories.				
1.	deli ship up l deli	the event new o ivered by the comment is tender by the carrier.	CHARGES FOR PICKI NG CONTAINERS AND OF used shipping carrier, its ages red for transport, its agents or o plished, the foll world in Note 1)	containers, nt, or employ tation, or su employees sub	including wareness, prior and containe	to the time ors are pick the time	ced	
				_	In Cents	·		
		Fach container	r, set up		310			(
			f containers, fo		310			36
			e, per delivery-					
2.		materials whice shipper, will cost to the ca- business. In the event s	ainers, including the charged for arrier of such me such packing materials and the charged for arrier of such me such packing materials are carrier on a such packing materials.	t by the carri at not less (materials, F.C terials and s)	ier at the x than the act O.B. carriex hipping cont	request of that original original original original original or the contract of the contract or the contract o	the al 1	
		thereof when look his agent of	ny carrier parti loaded, an allow of not to exceed r the provisions	wance may be a d 75 percent (made to the of the char	consignee		
nor he cher	E l.= ge ir	If the hourly n paragraph 1 o	rates named in of this item, suc	Item 330 proch lower char	vide a lowe: ge shall ap	r charge th ply.	A B	
		No charge will provided in Ite	l be assessed form 330.	or wardrobes	on shipment	s transport	# 6	
◊ 1	ncrei	ase, Decision No	929	:CO				
							,	,
						NAME CAN	m 4 2	5181