

Decision 93622 OCT 6 1981

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 )  
transportation of used household )  
goods and related property state- )  
wide as provided in, but not )  
limited to, Minimum Rate Tariff )  
4-B and the revisions or reissues )  
thereof. )

Case 5330  
Petition for Modification 115  
(Filed August 26, 1981)

O P I N I O N

By the above petition, California Moving and Storage Association, Inc. (CMSA), requests the Commission to amend Minimum Rate Tariff 4-B (MRT 4-B) which provides rates, rules, and regulations for the transportation of used household goods.

CMSA seeks to amend Item 162 of MRT 4-B. This item sets forth the notification requirements in the event the carrier cannot meet agreed-to pickup and/or delivery dates. The amendment is patterned after a similar rule change established on interstate used household goods traffic. This change was promulgated after hearings held under the Federal Household Goods Transportation Act of 1980. CMSA believes that the establishment of this rule change on intrastate traffic would be beneficial to the public and would provide carriers an opportunity to improve their commitment to serve.

CMSA proposes that the following language be added to Item 162 of MRT 4-B:

(d) When requested in writing by the shipper the carrier will pick up a shipment on an agreed date and deliver the shipment within a span of two consecutive agreed dates. If pickup or delivery is not made on the agreed dates, carrier shall pay the shipper \$100 per day for each and every day pickup or delivery is delayed. A written claim for such allowance shall be made within 30 days of delivery.

EXCEPTION: Shall not apply to shipments weighing less than 5,000 pounds and/or transported less than 75 constructive miles.

The petition is similar to an application filed by Bekins Moving & Storage Company (Bekins). The Commission, in Decision 93515, dated September 1, 1981, authorized Bekins to offer "the guaranteed delivery service" and found that the proposal would be in the public interest and alleviate a problem area in the movement of used household goods.

The proposal will not significantly affect energy efficiency of highway carriers within the meaning of Sections 3502.1 and 3502.2 of the Public Utilities Code.

The petition was listed on the Commission's Daily Calendar of August 28, 1981. No objection to the granting of the petition has been received.

Findings of Fact

1. The proposed amendment to Item 162 of MRT 4-B would be in the public interest and alleviate a problem area in the movement of used household goods.

2. The following order has no reasonably foreseeable impact on the energy efficiency of highway carriers.

3. A public hearing is not necessary.

Conclusion of Law

The proposed amendment for a guaranteed delivery is just and reasonable, and the petition should be granted as set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 4-B (Appendix C to Decision 65521, as amended) is further amended by incorporating Eighteenth Revised Page 17 and Original Page 17-A, to become effective November 5, 1981. These revised pages are attached.

2. In all other respects Decision 65221, as amended, shall remain in full force and effect.


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

This order becomes effective 30 days from today.

Dated OCT 5 1991, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

*I certify that this decision was approved by the above Commissioners today.*

*Joseph E. Roberts*  


MINIMUM RATE TARIFF 4-B

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">DELAYS IN PICKUP OR DELIVERY</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>*(d) When requested in writing by the shipper the carriers will pickup a shipment on an agreed date and deliver the shipment within a span of two consecutive agreed dates. If pickup or delivery is not made on the agreed dates, carrier shall pay the shipper \$100 per day for each and every day pickup or delivery is delayed. A written claim for such allowance shall be made within 30 days of delivery. (See Exception)</p> <p>EXCEPTION: Shall not apply to shipments weighing less than 3,000 pounds and/or transported less than 75 constructive miles.</p>	162
<p style="text-align: center;">WAITING OR DELAY</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>	165
<p>(1) Item 170 transferred to Original Page 17-A        ◊ Change )        = Addition ) Decision No.</p>	
<p>93622 EFFECTIVE 11-5-81</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,        SAN FRANCISCO, CALIFORNIA,        Correction</p>	

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">SPLIT PICKUP</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 \$33.40 for each stop to load between first point of origin and point of destination.</p>	170
(1) Transferred from Seventeenth Revised Page 17	
<span style="font-size: 1.2em;">93622</span> <span style="float: right;">EFFECTIVE 11-5-81</span>	
<span style="float: left;">Correction</span> <span style="float: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA,</span>	