

Decision No. 41656 ---

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Establishment)
of rates, rules and regulations for)
the transportation of property by)
common carriers as defined in the)
Public Utilities Act and highway)
carriers as defined in the Highway)
Carriers' Act.)

Case No. 4246

Appearance

A. H. Glickman for applicant and for
Merchants Express Corporation, an
intervenor.

SUPPLEMENTAL OPINION

By petition the Doughnut Corporation of America seeks
modification of the commodity description provided for grain, grain
products and related articles set forth in Item No. 653 of Highway
Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606).

Public hearing was had before Examiner Edwin Lake on
May 26, 1948 in San Francisco.

Specifically, petitioner seeks to change the entry in the
above referred to tariff item presently reading,

"Flour, prepared, edible, manufactured from one or more
articles shown under heading of 'Grain' in Item No. 652
series, or Rice Flour, with not to exceed 30% of other
ingredients."

to read,

"Flour, prepared, edible, manufactured from one or more
articles shown under heading of 'Grain' in Item No. 652
series, or Rice Flour, Bean Flour, or Potato Flour, with
not to exceed 40% of other ingredients, (including pow-
dered yeast not in excess of 2% in an inner container)."¹

¹

The effect of this proposal is to increase the percentage of "other
ingredients" from 30 to 40 per cent; to include bean and potato flour;
and to permit, in the mixture, not to exceed 2 per cent of powdered
yeast in an inner container.

A witness for the petitioner testified that responsive to public need prepared flours containing other ingredients in excess of 30 per cent have been developed. Assertedly, the invoice value, methods of packing, preparation for shipment, the weight and other transportation characteristics of these commodities, when containing in excess of 30 per cent but not more than 40 per cent of other ingredients, are no different than prepared flours containing 30 per cent or less of other ingredients. Applicant contended that when the description here involved was first established it was uniform with that maintained by competing rail carriers, and that adoption of the proposal would restore uniformity as has heretofore existed.

No one opposed the granting of this request.

The showing made indicates that prepared flours containing not more than 40 per cent of other ingredients are comparable from a transportation standpoint with commodities included in the present description and that they should be accorded equivalent rates. In addition, adoption of the proposal will restore the parity in commodity description which has heretofore existed and will enable highway carriers to extend the same mixture privileges as are accorded by the rails. The petition will be granted.

Upon careful consideration of all the evidence herein, the Commission is of the opinion and finds that Highway Carriers' Tariff No. 2 should be further amended as shown in the revised page attached to and made a part of the order which follows, and that in all other respects Decision No. 31606, supra, as amended, should remain in full force and effect.

ORDER

An adjourned public hearing having been held in the above entitled proceeding and based upon all of the evidence and upon

| Item No. | SECTION NO. 3 | COMMODITY RATES (Continued) |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| *653-A Cancels 653 | <p>(Applies in connection with rates making specific reference hereto.)</p> <p>GRAIN, GRAIN PRODUCTS AND RELATED ARTICLES, viz.:</p> <p>Flour, viz.: Bean, Potato, Rice, Flour, prepared, edible, manufactured from one or more articles shown under head of "Grain" in Item No. 652 series, or Rice Flour, Bean Flour, or Potato Flour, with not to exceed 40% of other ingredients, (including powdered yeast not in excess of 2% in an inner container).</p> <p>Split Peas,) Whole Peas,) Lentils,) Tapioca,) Sago,) Macaroni,) Not fully cooked Noodles,) or ready for human Spaghetti,) consumption Vermicelli,)</p> <p>Cake or Meal, sweetened or unsweetened, viz.:</p> <p>Babassu Nut, Palm, Safflower Seed, Copra (Cocoanut), Palm Kernel, Sesame Seed, Corn Germ, Peanut, Soya Bean, Cottonseed, Perilla, Sunflower Seed, Flaxseed (Linsced), Perilla Seed, Tucum Nut, Hemp Seed, Rape Seed, Velvet Bean. Kapok Seed,</p> | <p>Provided weight does not exceed 15% of total weight of shipment.</p> |
| 653½-C Cancels 653½-B 3-31-47 | APPLICATION OF RATES IN ITEMS MAKING SPECIFIC REFERENCE HERETO | <p>(a) Rates include services of driver and one helper to perform loading, unloading, or other accessorial services.</p> <p>(b) Demurrage shall be computed in accordance with the provisions of Note 1, Item No. 130 series.</p> <p>(c) Rates are not subject to the provisions of Items Nos. 110 or 120 series.</p> <p>(d) (Will not apply in connection with rates named in Item No. 656 series.) Field Pickup Shipment means a quantity of property tendered to the carrier for transportation by one shipper on one shipping document at two or more points in one field where the property has theretofore been deposited by the harvester. The point of origin of a field pickup shipment shall be deemed to be the point at which loading of carrier's equipment is completed. A charge of \$2.65 per hour shall be assessed for the aggregate time in excess of 20 minutes per ton consumed performing pickup service in connection with a field pickup shipment.</p> |

the conclusions and findings contained in the preceding opinion,

IT IS HEREBY ORDERED that Highway Carriers' Tariff No. 2, Appendix "D" to Decision No. 31606, in Case No. 4246, as amended, be and it is hereby further amended by incorporating the revised page attached hereto and by reference made a part hereof to become effective July 1, 1948, which page is numbered as follows:

Fourth Revised Page 51-D Cancels Third Revised Page 51-D.

IT IS HEREBY FURTHER ORDERED that tariff publications to be made by common carriers as a result of the amendment hereof of the aforesaid tariff shall be made effective on not less than five (5) days' notice to the Commission and to the public.

In all other respects said Decision No. 31606, as amended, shall remain in full force and effect.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 27th day of May, 1948.

A. J. [Signature]

[Signature]

[Signature]
Commissioners

(e) Premiums and Advertising Matter:

The rates on articles in packages containing premiums shall be 110 percent of the rates applicable to the same articles without premiums.

Advertising matter, not to exceed 5 per cent of the gross weight of the shipment, may be included at the rate applicable to the lowest rated article in the shipment.

o Reduction)
* Change) Decision No. 41666

EFFECTIVE JULY 1, 1948

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