

ORIGINAL

Decision No. 47824

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into the rates, rules, regulations,)
charges, allowances and practices)
of all common carriers, highway)
carriers and city carriers relating)
to the transportation of property.)

Case No. 4808

Appearances

R. J. Jones, for General Foods Corporation,
petitioner.
Floyd P. Willette, for Aetna Freight Lines,
Matthew Clarke, for The Bordon Company,
Arthur R. Woodman, for The Nestle Company,
Inc., George T. Patton, for Haslett Ware-
house Company, and Thomas B. Kircher, for
Standard Brands, Incorporated, interested
parties supporting petitioner.
Russell Bevans, for Draymen's Association of San
Francisco, Inc., Leo V. Cox, for Barclay
Traffic Service, Daniel W. Baker, for
Draymen's Association of Alameda County,
Inc., and Ray Snook, for The Atchison,
Topeka and Santa Fe Railway Company,
interested parties.

SUPPLEMENTAL OPINION

General Foods Corporation seeks the establishment of reduced minimum rates for the transportation of coffee extract within the territory embraced by Highway Carriers' Tariff No. 2.

A public hearing was held at San Francisco on August 21, 1952, before Examiner Lake.

The commodity here under consideration is subject to the minimum class rates set forth in Highway Carriers' Tariff No. 2. The class rates are governed by the ratings specified in the Western Classification and by certain exceptions thereto. For coffee extract, dry, the classification provides a first class rating in

less-carload quantities and a third class rating in carload quantities of 30,000 pounds or more.

Petitioner proposes a fourth class less-carload exception rating for less than carload shipments and a fifth class rating, minimum weight 30,000 pounds, for carload movements. The proposal was supported by The Borden Company, Standard Brands, Incorporated, The Nestle Company, Inc., Aetna Freight Lines and Haslett Warehouse Company. It was not opposed.

The sought ratings are those presently applicable to roasted coffee. Coffee extract and roasted coffee are practically the same commodity in different forms. Coffee extract is derived from brewed roasted coffee by a process whereby the water content is removed. The use of the extract is identical with that of roasted coffee and the sale thereof is directly competitive. It is also competitive with other beverages such as tea, cocoa, coffee substitutes and beverage preparations, all of which are subject to more favorable classification ratings than apply on coffee extract. During the past few years the movement of coffee extract has increased substantially and it is anticipated that it will represent a large portion of the total coffee movement in the future. At the present time the sale of coffee extract in California is said to account for twenty-five percent of the total coffee sold.

Petitioner and those supporting the petition contend that the transportation characteristics of the two products are similar. The average value for an equal gross weight of the two commodities is said to be the same. The density of coffee extract is shown to range from 22.0 to 32.21 pounds per cubic foot depending upon the kind and type of packaging used. Roasted coffee according to the

record has an average density of 25.5 pounds. Both shipper and carrier witnesses pointed out that the risk of damage in handling is slight. The claim expense according to these witnesses is practically nil.

It has been shown by density, value, risk, regularity and volume of movement and other rate-making considerations that the transportation characteristics of coffee extract, dry, warrant the reduced ratings sought. The petition will, therefore, be granted. Inherent in the petition is a request for relief from the long and short haul provisions of Article XII, Section 21 of the Constitution of the State of California and Section 460 of the Public Utilities Code in order to permit the application of the sought ratings to rates which are nonintermediate in application. For the reasons departures from the above statutory provisions were authorized in the rate like authority is justified for application of the exception ratings. Such authority will be granted.

Upon consideration of all of the facts and circumstances of record, we are of the opinion and hereby find the proposed ratings and rates for coffee extract, dry, have been justified.

O R D E R

Based on the evidence of record and on the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED that Highway Carriers' Tariff No. 2 (Appendix "D" to Decision No. 31606 as amended) be and it is hereby further amended by incorporating therein, to become effective November 15, 1952, the revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Fourteenth Revised Page 5 Cancels Thirteenth Revised Page 5.
Ninth Revised Page 37 Cancels Eighth Revised Page 37.
Fourth Revised Page 38 Cancels Third Revised Page 38.

IT IS HEREBY FURTHER ORDERED that tariff publications of common carrier respondents filed pursuant to this order may be made effective not earlier than November 15, 1952, and on not less than five (5) days' notice to the Commission and to the public; and that said respondents be and they are hereby authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California and from the provisions of Section 460 of the Public Utilities Code to the extent necessary to exercise the authority granted herein.

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

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 14th day of October, 1952.

A. J. [Signature]
President
Justice F. [Signature]
Harold [Signature]
[Signature]
[Signature]
Commissioners

INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Candles (M)	723-726	Compounds, paint, lacquer or varnish reducing, removing or thinning	377
Candy	360	Compound, radiator or cleaning (M)	723-726
Canned Goods and Other Articles as described in Item No. 610 series	320, 360, 610 620, 630	Compound, rust preventing or removing (M)	723-726
Cants, Wheel, wooden	660, 690	Compound, type cleaning (M)	723-726
Cants, wooden	365	Compound, waterproofing (M)	723-726
Caps, column	660, 690	Confectionery	360
Caps, Sand Line	365	Containers, Beverage	600
Carriers (used packages)	330	Cooler Closets	660, 690
Cases (Built-in Fixtures)	660, 690	Corn	(1), 652, 652½, 654
Casing, Door and Window Panel	660, 690	Corn Cobs	652, 652½, 654
Casing Shoes	365	Cornico Brackets	660, 690
Castings, Swing Post	365	Corn, Kaffir	652, 652½, 654
Catchers, Tubing	365	Corn Steep Water	652, 652½, 654
Catsup	(1)	Countershafts, Oil Well	365
Cement, pipe fitting (M)	723-726	Covers, cotton cloth	335
Cereal and Nuts combined	360	Covers, Guy Wire	660, 690
Cereal Food	360	Covers, Thief Hole	365
Cereal Food Preparations	655, 656	Cow Peas	652½, 654
Cereals, cooked	655, 656	Cranes, Derrick	365
Chaff	652, 652½, 654	Cross Arms, wooden	660, 690
Charcoal (M)	652½, 654	Crystals, Citrus Fruit Juice	360
Cheese (including cottage and pot cheese) (M)	315, 605	Cupboards	660, 690
Chests of Drawers	660, 690	Cylinders, Well Pump	365
Chili, ground	(1)	Darso	652, 652½, 654
China Closets	660, 690	Derrick Cranes	365
Chloride of Lime Bleach	730	Derricks	365
Chocolate	360	Dessert Preparations	360
Chocolate Coating	360	Disinfectants	730
Chops	652, 652½, 654	Distillers' Grains	652, 652½, 654
Chowders	(1)	Doors	660, 690
Citrus Fruit Juice		Drain Pipe Solvent	730
Powders or Crystals	360	Dressing, Automobile Top (M)	723-726
Clamps	365	Dressing, Belt (M)	723-726
Clamps, Disconnecting, Drilling, Drive or Gas Packing	365	Dressing, Salad	(1)
Clay, Fire (M)	365	Drill Bitheads	365
Clippings	652, 652½, 654	Dry Milk Solids	(1)
Clothing, staple work	333	Durra	652, 652½, 654
Coating, Chocolate	360	Dust, Elevator	652, 652½, 654
Cocoa	360	Earth, Infusorial	650
Cocoanut, prepared	(1)	Eggs, Shelled	360
Coffee	360	Egyptian Wheat	652, 652½, 654
#Coffee, extract of (condensed coffee), dry	334, 360	Elevator Dust	652, 652½, 654
Coffee Substitutes	360	Elevators, Pipe or Sucker Rod	365
Colorings, Confectioners	340		
Columns	660, 690		
Compound, anti-freeze (M)	723-726		
Compound, carbon removing (M)	723-726		

Compound, cleaning (M)	723-726	Emmer	652, 652 ² , 654
Compounds, Cleaning, Scouring or Washing	730	Engines (M)	365
Compound, electrical insulating (M)	723-726	Ether (M)	723-726
Compounds; Flavoring	360	Exterminators, vermin (M)	723-726
Compounds, Food Curing, Preserving or Seasoning	360	Extracts	360
Compounds, Lard	360	// Extracts, coffee (con- densed coffee), dry	334, 360
Compound, malt, milk and cocoa	360, 375	Extracts, Malt	600
Compound, milk and cocoa	375	Farina	652, 652 ² , 654
Compounds, Oil Well Drilling Mud	365	Feed; Animal	(1), 652, 652 ² , 654
Compound, paint thinning (M)	723-726	Feed; Barley Hay	652 ² , 654
		Feed, Bean Straw (M)	652 ² , 654

Addition, Decision No. **47824**

- (1) See "Canned Goods and Other Articles as described in Item No. 610 series."
- (2) Denotes articles on which application of rates is limited to mixed shipments.

EFFECTIVE NOVEMBER 15, 1952

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 484

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	
	PACKING REQUIREMENTS	
300-B Cancels 300-A	<p>Except as otherwise provided, articles will not be subject to the packing requirements of the Western Classification or Exception Sheet, but may be accepted for transportation in any container or any shipping form, providing such container or form of shipment will render the transportation of the freight reasonably safe and practicable.</p> <p>If two or more ratings which are subject to different packing requirements are provided for an article in the form in which it is shipped, the lowest of such ratings will apply.</p> <p>The term "form in which it is shipped" means the form of the article itself as prepared for shipment or for the trade (exclusive of packing requirements), such as set up, knocked down, nested, not nested, compressed, not compressed, folded flat, not folded flat, in metal can inner containers, in glass bottle inner containers, in carton inner containers, in bulk (not in inner containers), dry, liquid, paste, solid, powdered, granulated. The term "packing requirements" means (1) the outer shipping containers such as boxes, barrels, crates, bags, and (2) the shipping forms such as bundles, bales, rolls, loose, on skids (other than lift truck or platform), which are provided in the Western Classification or Exception Sheet.</p>	
		Class Rating
305	Batteries, dry cell, electric, less carload---	4
310	Beverages, malt, viz.: Ale, Beer, Beer Tonic, Porter, Stout, less carload-----	4
315	<p>Butter, dairy Cheese (including cottage cheese and pot cheese) Margarine</p> <p>(1) Applies only in connection with rates for mixed shipments determined under the provisions of Item No. 90 series.</p>	(1)4
320-B Cancels 320-A	Canned Goods and Other Articles as described in and subject to the provisions of Item No. 610 series, less carload-----	90% of 4
330-C Cancels 330-B	<p>Carriers (used packages), second-hand, empty, as described in and subject to the provisions of Item No. 300 series of the Exception Sheet:</p> <p>Less than carload-----</p> <p>(1) Subject to minimum rate of 21 cents per 100 pounds or actual 4th class rate, whichever is lower.</p> <p>Carload:</p> <p>Minimum weight 12,000 pounds-----</p> <p>Minimum weight 30,000 pounds-----</p> <p>(2) Not to exceed less-than-carload rate.</p>	<p>(1) One-half of 4</p> <p>(2)B</p> <p>(2)E</p>

333	<p>Clothing, staple work, viz.: Dungarees, coveralls, overalls, breeches, pants, shirts or jackets (see Note 1) made of any one or any combination of the following fabrics made wholly of cotton:</p> <p>Denim Drills Flannels Corduroys Moleskins Jeans Chambrays Coverts Duck Whipcords Twills Cottonades Poplins</p> <p>NOTE 1.--Includes work jackets with blanket lining made of cotton and not to exceed 50% of wool shoddy.</p>	3
#334	Coffee, extract of (condensed coffee), dry, less carload	6 4
335	Covers, hood, radiator, seat, spring, steering wheel, tire or top, cotton cloth, not fitted or formed, less carload -----	3.
340	Flowers, fresh, cut, less carload -----	1
350	Fruit, dried, including Raisins, Prunes (dried), Figs (dried), and Fig Pulp or Fig Paste, less carload -----	90% of 4
# Addition) & Reduction) Decision No. 47824		
EFFECTIVE NOVEMBER 15, 1952		
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 485		

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
<p>*360-D Cancels 360-C</p>	<p>GROCERIES AND GROCERS' SUPPLIES, viz.:</p> <p>Bakery Goods, as described under that heading in the Western Classification,</p> <p>Beverages, or Beverage preparations, as described in Items Nos. 18175, 18180, 18185, 18575, 18580, 18585, 18620, and 18625 series of the Western Classification,</p> <p>Candy or Confectionery, as described in Items Nos. 8960, 8965 and 8970 series of the Western Classification,</p> <p>Canned Goods and other articles as described in and subject to the provisions of Item No. 610 series,</p> <p>Cereal and Nuts combined (Meat Substitutes),</p> <p>Cereal Food Preparations, as described under that heading in the Western Classification,</p> <p>Chocolate,</p> <p>Chocolate Coating,</p> <p>Cocoa,</p> <p>Coffee,</p> <p>#6Coffee, extract of (condensed coffee), dry,</p> <p>Coffee Substitutes, Cereal, Fruit or Vegetable, including Chicory, Colorings, confectioners', Compounds, Food Curing, Preserving or Seasoning,</p> <p>Dessert Preparations, as described in Items Nos. 18300, 18305 and 18310 series of the Western Classification,</p> <p>Eggs, Shelled (Egg Albumen, whites or yolks), desiccated or frozen,</p> <p>Extracts or Flavoring Compounds, not otherwise indexed by name in the Western Classification,</p> <p>Fish, other than fresh or frozen,</p> <p>Fondant, candy (candy filler),</p> <p>Food, Infants' or Invalids' cereal, or Food, Prepared, not otherwise indexed by name in the Western Classification,</p> <p>Fruit, or Fruit Peel, candied, crystallized, glazed or stuffed,</p> <p>Fruit Juice Powders or Crystals, Citrus,</p> <p>Fruit Syrups,</p> <p>Gelatin,</p> <p>Glucose,</p> <p>Gum, Chewing,</p> <p>Honey,</p> <p>Horseradish,</p> <p>Lard, Lard Compounds or Lard Substitutes, as described in Items Nos. 15320 and 32080 series of the Western Classification,</p> <p>Liquors, malt, viz.:</p> <p>Ale,</p> <p>Beer,</p> <p>Beer Tonic,</p> <p>Porter,</p> <p>Stout,</p> <p>Liquors, vinous,</p> <p>Macaroni, except Canned,</p> <p>Malt Syrup,</p> <p>Meat, other than fresh,</p> <p>Milk, malted,</p> <p>Mustard,</p> <p>Noodles,</p> <p>Nuts, edible, shelled, plain, salted or sweetened,</p> <p>Paste, alimentary,</p> <p>Paste, confectioners' or icings,</p> <p>Popcorn,</p> <p>Potato Chips,</p> <p>Powder, Baking or Yeast,</p> <p>Sago,</p> <p>Salads, Fish, Macaroni, Meat or Vegetable,</p> <p>Salt, (subject to Note 1),</p> <p>Shortening,</p> <p>Spaghetti, except Canned,</p> <p>Spices,</p> <p>Sugar, (subject to Note 1),</p> <p>Tapioca,</p> <p>Tea,</p> <p>Vermicelli, except Canned,</p> <p>Yeast.</p>	

Minimum Weight 20,000 pounds
Minimum Weight 30,000 pounds

4
5

NOTE 1.-Ratings shown apply only when commodities subject to this note are shipped in mixed shipments with one or more other commodities named in this item.

*Change)
#Addition)
oReduction)

Decision No. 47824

EFFECTIVE NOVEMBER 15, 1952

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 486