

ORIGINALDecision No. 51307

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 general)
 commodities (commodities for which)
 rates are provided in Minimum Rate)
 Tariff No. 2).

Case No. 5432

J. C. Kaspar and R. D. Boynton, for California
 Trucking Associations, Inc., interested party.
Grant L. Malquist, for the Commission staff.

O P I N I O N

Minimum hourly rates, rules and regulations for the transportation of logs between points in Del Norte, Humboldt and Mendocino Counties were established on an interim basis in Minimum Rate Tariff No. 2 (formerly Highway Carriers' Tariff No. 2) effective August 1, 1950, by Decision No. 44478 in Case No. 4808. Upon being informed by its staff that the present minimum hourly log rates are generally regarded by the industry as impractical and are not being observed, the Commission on November 23, 1954, ordered that a public hearing be scheduled to determine whether the hourly rates should be modified, suspended or canceled.

Public hearing was had at Eureka on March 8, 1955, before Examiner J. E. Thompson.

Evidence was presented by three members of the Commission staff. A Field Section representative who supervises enforcement activity in the three counties involved testified two surveys as well as numerous investigations were made by the Field Section staff since August 1950 when the minimum hourly rates were established.

He stated that it is the custom and the practice of log haulers to assess charges upon thousand-board-foot measure rather than hourly rates. The witness testified that in conducting one survey he interviewed a number of shippers of logs. These shippers, he declared, informed him that they desire rates based upon board-foot measure of logs rather than hourly rates because all their transactions in logs and lumber are predicated upon footage units.

The representative stated that efforts to enforce the present hourly rates have been ineffectual because of the general opinion held by the industry that such rates are impractical for log transportation. He further stated that the hourly rates are difficult to enforce because following the vehicle is necessary to obtain evidence of violation.

An engineer of the Truck Transport Section of the Commission's Transportation Division testified that since August 1950 three separate surveys and studies were made of log transportation by that Section. The surveys revealed that each log haul has two major parts; the "on highway" haul and the "off highway" haul. Establishment of costs for the "on highway" portion presents no problem; but the "off highway" portion is more affected by variables, such as length of haul, character of road, adverse grades, and weather conditions. In a log haul, each of these variables is subject to frequent and radical change because loading sites or points of origin are changed frequently. The witness stated that in his opinion the controlling cost factor is the amount of adverse grades on the "off highway" portion of the haul.

The engineer is of the belief that it is possible to establish formulae to arrive at the cost for any given haul. The strong effect of variables encountered in the "off highway" portion would probably require determination of several formulae. He stated that

the task would require extensive further research and field work, and would be time-consuming and expensive. In addition, the witness stated, the formulae would probably require frequent and periodic modification.

A rate expert of the Commission's staff testified that he had made a survey and study of formulating rates on a basis other than hourly rates. His survey revealed to him that carriers and shippers regard the present hourly rates as unrealistic. He stated that all carriers and shippers interviewed indicated that if minimum rates are required they desire rates based upon a unit of thousand-board-foot measure. All of the parties interviewed asserted that minimum footage rates would no doubt become the going rates and because of this such rates if established would have to reflect individual conditions at the loading point. The witness stated that after observing operations in the field he concurred with that opinion because the adverse conditions at origin dominate the costs of operation. A rate scale based upon distance and footage without relation to individual conditions attendant to each haul would be unsatisfactory.

He stated that he had considered whether the method used by the Public Service Commission of the State of Washington could be adapted to log transportation in California.¹ The Washington method, while it prescribes rates on a thousand-board-foot basis and gives effect to individual conditions of each haul, would not be feasible for log transportation in California. The loading sites change much more frequently here, the logging roads have a lesser

¹The Washington Commission has established minimum rates per mile on a thousand-board-foot basis for several classifications of road. The applicable rate for each haul is determined in the field by their Department of Transportation which carefully clocks the mileage for each road classification along the route traversed.

degree of permanence and with the frequency of change in conditions there would be a serious administrative problem in having a minimum rate become effective while the operation under consideration is being conducted. The witness testified that the matter of formulating suitable rates for logs has been given careful and lengthy study. A reasonable and workable rate structure has not been able to be devised because of the problems hereinbefore related. In view of these circumstances, he recommends that the existing rates on logs be canceled.

A spokesman for the California Trucking Associations, Inc., asserted that it is the duty of the Commission under the statute to establish minimum rates for transportation of property. It is his contention that the evidence adduced by the staff has not shown that the situation and conditions causing establishment of rates by Decision No. 44478 have changed. He asks that the Commission, before it takes any final action to cancel the present log rates, notify the carriers involved of the nature of the action contemplated. It is the association's belief, according to this spokesman, that the respondent carriers and other parties affected by this proceeding were not adequately notified of the issues involved.

Conclusions

Prior to August 1, 1950, the transportation of logs by highway carriers was exempt from minimum rates. Minimum hourly rates for the transportation of logs were established by an interim order in Decision No. 44478, supra. In that decision, the Commission found that permanent minimum rates on an hourly basis are not desirable but that they should be adopted as a temporary measure towards stabilization of the log transportation industry in Del Norte, Humboldt and Mendocino Counties.

It is clear that the present hourly rates are not being observed, are not suitable or practical for log transportation and

presently do not serve any public or useful purpose. The record in this proceeding does not contain the necessary data for establishing reasonable minimum rates on a suitable and workable basis. We hereby find that the hourly rates, rules and regulations for the transportation of logs between points in Del Norte, Humboldt and Mendocino Counties should be canceled.

The request of the California Trucking Associations, Inc., that further notice be given the industry before an order is issued in this matter is denied. Both the Order Setting Hearing dated November 23, 1954, and the Notice of Hearing dated February 10, 1955, clearly set forth the purpose of this proceeding. These documents were mailed to all known interested parties.²

The association contends that the statute imposes upon the Commission the duty of establishing just and reasonable minimum rates for the transportation of property and hence the existing hourly rates should remain in effect until such time as the Commission is prepared to establish footage rates. We are of the opinion that the statute does not require the retention of rates which have been shown to be not in the public interest.

An order will be entered which will revoke the interim order in Decision No. 44478 as amended in Case No. 4808 by making revisions in Minimum Rate Tariff No. 2 canceling the rates, rules and regulations for the transportation of logs and providing that such transportation be exempt from the provisions of said tariff.

² The Order Setting Hearing was mailed to all appearances in Case No. 5432, Brotherhood of Teamsters, Local 684, Eureka, twelve log haulers and fifteen lumber companies employing log haulers in the three counties involved. The Notice of Hearing was mailed to all appearances in Case No. 5432.

O R D E R

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

IT IS HEREBY ORDERED that Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) be and it is hereby further amended by incorporating therein, to become effective May 15, 1955, the revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Twelfth Revised Page 7 cancels Eleventh Revised Page 7
Thirty-First Revised Page 14 cancels Thirtieth Revised Page 14
Nineteenth Revised Page 15 cancels Eighteenth Revised Page 15
Third Revised Page 56-A cancels Second Revised Page 56-A
Second Revised Page 68-C cancels First Revised Page 68-C

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 days after the date hereof.

Dated at San Francisco, California, this 12th day of APRIL, 1955.

E. Mitchell
President
Justin S. ...
Paul ...
...

Commissioners

INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Lime, Chlorinated	340	Meal, Velvet Bean	652 $\frac{1}{2}$, 653, 654
Lines	365	Meats, cooked, cured or preserved	(1)
Lines, Polished Rod	365	Meat other than fresh	360
Lines, Measuring	365	Meat Substitutes	360
Marks	365	Mechanics' Tools (M)	365
Lipsticks, medicated (chap sticks)	395	Medicine Cabinets	660, 690
Liquid, cigar or cigarette lighter (M)	723-726	Middlings	652, 652 $\frac{1}{2}$, 654
Liquors; Malt	360, 600	Military toilet kits	395
Liquors, Vinous	360, 600	Milk (condensed or evaporated) liquid	(1)
***		Milk and cocoa compound	375
Lubricant, Grease Binder	723-726	Milk, dried	652 $\frac{1}{2}$, 654
*Lumber	660, 690	Milk, Malted	360, 375
Lye, Concentrated	730	Milk, sour skim	652 $\frac{1}{2}$, 654
Macaroni (M)	653, 654	Milk, sterilized	(1)
Macaroni, except canned	360	Milo Maize	652, 652 $\frac{1}{2}$, 654
Macaroni (prepared)	(1)	Mince Meat	(1)
Machines, Oil Well Pulling	365	Molasses	(1), 652 $\frac{1}{2}$, 654
Machines, Rotary Drilling	365	Molding, Carpenters'	660, 690
Maize	652, 652 $\frac{1}{2}$, 654	Molding, Casing	660, 690
Malt	652, 652 $\frac{1}{2}$, 654	Mud Mixer Parts	365
Malt, milk and cocoa compound	360, 375	Mustard	360
Malt Sprouts	652, 652 $\frac{1}{2}$, 654	Mustard (prepared)	(1)
Malted milk	360, 375	Noodles	360
Mantel Shelves	660, 690	Noodles (M)	653, 654
Margarine	(M) 315, 605	Nuts, edible, shelled	360
Mash	652, 652 $\frac{1}{2}$, 654	Oats	652, 652 $\frac{1}{2}$, 654
Meal, Alfalfa	652 $\frac{1}{2}$, 653, 654	Oats, rolled	652, 652 $\frac{1}{2}$, 654
Meal, Babassu Nut	652 $\frac{1}{2}$, 653, 654	Offal	652, 652 $\frac{1}{2}$, 654
Meal; Bean Straw	652 $\frac{1}{2}$, 653, 654	Oil, cooking	730
Meal; Clover	652 $\frac{1}{2}$, 653, 654	Oil; Fish (M)	652 $\frac{1}{2}$, 654
Meal; Coconut	652 $\frac{1}{2}$, 653, 654	Oil; Olive	(1)
Meal; Copra	652 $\frac{1}{2}$, 653, 654	Oil, (other than medicinal) (M)	723-726
Meal; Corn Germ	652 $\frac{1}{2}$, 653, 654	Oil, petroleum medicinal (M)	723-726
Meal; Corn Oil (M)	652 $\frac{1}{2}$, 654	Oil, Salad	(1), 730
Meal, Cottonseed	652 $\frac{1}{2}$, 653, 654	Olives	(1)
Meal; Fish	652 $\frac{1}{2}$, 653, 654	Onion Chips	(1)
Meal; Flaxseed	653, 654	Onion Powder	(1)
Meal; Gluten	652, 652 $\frac{1}{2}$, 654	Ornaments, Gable	660, 690
Meal, (Grain)	652, 652 $\frac{1}{2}$, 654	Outfits, insect destroying (M)	723-726
Meal; Hemp Seed	652 $\frac{1}{2}$, 653, 654	Outfits, Oil, Water or Gas Well	365
Meal, Kapok Seed	652 $\frac{1}{2}$, 653, 654	Outfits, Wire Line Pumping	365
Meal; Linseed	652 $\frac{1}{2}$, 653, 654	Packers	365
Meal; Meat	652 $\frac{1}{2}$, 654	Paint, asphaltic (M)	723-726
Meal; Mesquite (M)	652 $\frac{1}{2}$, 654	Paint, liquid (M)	723-726
Meal; Palm	652 $\frac{1}{2}$, 653, 654	Paint, liquid or paste	377
Meal, Palm Kernel	652 $\frac{1}{2}$, 653, 654	Paneling	660, 690
Meal, Peanut	652 $\frac{1}{2}$, 653, 654		
Meal, Perilla	653, 654		
Meal, Perilla Seed	652 $\frac{1}{2}$, 653, 654		
Meal, Rape Seed	652 $\frac{1}{2}$, 653, 654		
Meal, Rice	652 $\frac{1}{2}$, 654		

Meal, Safflower Seed	653, 654	Parts, Boiler (M)	365,
Meal, Sesame Seed	652, 653, 654	Parts, Mud Mixer	365
Meal, Soya Bean	652, 653, 654	Paste, Alimentary	360
Meal, Sunflower Seed	652, 653, 654	Paste, Confectioners'	360
Meal, Tucum Nut	652, 653, 654	Paste, Tomato	(1)
		Peanut Butter	(1)

* Change
 *** Legs eliminated } Decision No. 51307

(1) See "Canned Goods and Other Articles as described in Item No. 610."

(M) Denotes articles on which application of rates is limited to mixed shipments.

EFFECTIVE MAY 15, 1955

Issued by the Public Utilities Commission of the State of California,
 Correction No. 652 San Francisco, California.

Item No.	SECTION NO. 1—RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p>APPLICATION OF TARIFF—COMMODITIES (Items Nos. 40 and 41)</p> <p>Rates in this tariff apply for the transportation of all commodities, except the following:</p>
	<p>Accessories, motion picture, Automobiles, set up, Automobile parts, accessories, and related articles in secondary movement by Truckaway Service when subject to the rates, rules and regulations set forth in Minimum Rate Tariff No. 12, Baggage, Butter, dairy (Subject to Note 8), Buttermilk, liquid (Subject to Note 2), Carriers (used packages); as described in Item No. 300 of Exception Sheet, empty returning or forwarded for return loads (Subject to Note 1), Cement, hydraulic, masonry, natural or Portland—also lime, common (including magnesium lime, hydrated or hydraulic lime, quick or slaked), cement flue dust, and/or limestone, powdered, shipped in mixed shipments with cement—when transported in shipments of 40,000 pounds or more, or when transported in shipments of lesser weights subject to the rates, rules and regulations, including the minimum charge computed on a minimum weight of 40,000 pounds, which are set forth in Minimum Rate Tariff No. 10, Cement Clinker, Cheese (including cottage cheese and pot cheese) (Subject to Note 8), Commodities transported under the vehicle unit rates, rules and regulations of Minimum Rate Tariff No. 5, applicable within Los Angeles and Orange Counties, Commodities of abnormal size or weight which because of such size or weight require the use of and are transported on low-bed trailers,</p>
	<p>Concrete transported in motor vehicles equipped for mechanical mixing in transit, Cotton, Cream (Subject to Note 2), Directories, telephone, Eggs (other than shelled, desiccated or frozen), Fertilizers, as described in Items Nos. 535, 540 and 550 of the Exception Sheet, Film, motion picture, Fodder, Bean, Cane, Corn or Peas (Subject to Note 7), Fruit, dried, unmanufactured and unprocessed (Subject to Note 4), Fruit, fresh or green (not cold pack nor frozen), Fungicides, agricultural, Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores (Subject to Note 3), Furniture, uncrated, new, as described in and for which rates are provided in Minimum Rate Tariff No. 11-A, and furniture, uncrated, new, for the United States, state, county or municipal governments, Hops, House Trailers, set up, Ice Cream mix, unflavored, Insecticides, agricultural, Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less, Leaves, Cactus, dried (Subject to Note 7), Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles,</p>

*40-EE
Cancels
40-DD

Commodities weighing 100 pounds or less per package or piece when delivered from retail stores, or when returned to the original retail store shipper via the carrier which handled the outbound movement (Subject to Note 3),

Commodities when transported in dump trucks, for which rates are provided in Minimum Rate Tariff No. 7,

Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported,

Livestock,
*Logs (wood),
Margarine (Subject to Note 8),
Milk, liquid (Subject to Note 2),
Newspapers; newspaper supplements, sections or inserts; (not scrap or waste),
Nuts, edible, in the shell,
Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less.
Pits, fruit,
Poultry, live or dressed,
Property shipped to or from producers of motion pictures or television shows when transported subject to the rates, rules and regulations provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended,
Property transported to a United States Post Office for mailing and United States mail transported from a post office to the addressee thereof (Subject to Note 11),

(Continued in Item No. 41)

* Change, Decision No. 51307

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San Francisco, California.

Correction No. 653

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		
	<p data-bbox="660 369 1172 420">APPLICATION OF TARIFF-COMMODITIES (Concluded)</p> <p data-bbox="743 433 1090 484">(Items Nos. 40 and 41)</p> <table border="0" data-bbox="413 484 1462 1261"> <tr> <td data-bbox="413 484 958 1261"> <p>Sea Shells, crushed, ground powdered or disintegrated (Subject to Note 5),</p> <p>Seeds; Cotton,</p> <p>Seeds, field, as described in Note 6,</p> <p>Shell Marl, crushed, ground or powdered,</p> <p>Straw (Subject to Note 7),</p> <p>Sulphur,</p> <p>United States mail transported for the Post Office Department under contract,</p> <p>Used Property, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff No. 4-A, and used property as described therein transported for the United States, state, county or municipal governments,</p> </td> <td data-bbox="1057 484 1462 1261"> <p>Vegetables, fresh or green (not cold pack nor frozen),</p> <p>Vegetables, dried, viz.:</p> <p>Beans, (except Mesquite),</p> <p>Lentils,</p> <p>Onions,</p> <p>Peas, (except Cow Peas),</p> <p>Pepper Pods,</p> <p>Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.</p> </td> </tr> </table> <p data-bbox="363 1299 1387 1477">NOTE 1.-Includes only used empty carriers which are returning from an outbound paying load of traffic for which rates are not provided in this tariff, or which are being forwarded for a return paying load of traffic for which rates are not provided in this tariff (subject to Rule No. 180 of the Exception Sheet).</p> <p data-bbox="363 1503 1404 1605">NOTE 2.-Exemption applies only when commodities flagged subject to this note are shipped in milk shipping cans, in bottles in cases or crates, or in bulk in tanks.</p> <p data-bbox="363 1630 1387 1732">NOTE 3.-Exemption applies only when the distance between point of origin and destination does not exceed 35 miles, computed in accordance with the provisions of Item No. 100.</p> <p data-bbox="363 1758 1404 1860">NOTE 4.-Exemption applies only as to dried fruit in the natural state and which has not been cleaned, washed, stemmed or otherwise prepared or partially prepared for human consumption.</p> <p data-bbox="363 1885 1387 1961">NOTE 5.-Exemption does not apply to sea shells as described in Item No. 652₂.</p> <p data-bbox="429 1987 1222 2038">NOTE 6.-Exemption applies only to field seeds, viz.:</p>	<p>Sea Shells, crushed, ground powdered or disintegrated (Subject to Note 5),</p> <p>Seeds; Cotton,</p> <p>Seeds, field, as described in Note 6,</p> <p>Shell Marl, crushed, ground or powdered,</p> <p>Straw (Subject to Note 7),</p> <p>Sulphur,</p> <p>United States mail transported for the Post Office Department under contract,</p> <p>Used Property, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff No. 4-A, and used property as described therein transported for the United States, state, county or municipal governments,</p>	<p>Vegetables, fresh or green (not cold pack nor frozen),</p> <p>Vegetables, dried, viz.:</p> <p>Beans, (except Mesquite),</p> <p>Lentils,</p> <p>Onions,</p> <p>Peas, (except Cow Peas),</p> <p>Pepper Pods,</p> <p>Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.</p>
<p>Sea Shells, crushed, ground powdered or disintegrated (Subject to Note 5),</p> <p>Seeds; Cotton,</p> <p>Seeds, field, as described in Note 6,</p> <p>Shell Marl, crushed, ground or powdered,</p> <p>Straw (Subject to Note 7),</p> <p>Sulphur,</p> <p>United States mail transported for the Post Office Department under contract,</p> <p>Used Property, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff No. 4-A, and used property as described therein transported for the United States, state, county or municipal governments,</p>	<p>Vegetables, fresh or green (not cold pack nor frozen),</p> <p>Vegetables, dried, viz.:</p> <p>Beans, (except Mesquite),</p> <p>Lentils,</p> <p>Onions,</p> <p>Peas, (except Cow Peas),</p> <p>Pepper Pods,</p> <p>Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.</p>		

#41-P
Cancels
41-0

Adzuki,
 Alfalfa,
 Bahia grass,
 Bean, field, horse, lima,
 mat or mung,
 Beet, field or sugar,
 Bentgrass,
 Bermuda grass,
 Bluegrass,
 Bluestem,
 Brone, bunch or smooth,
 Carpet grass,
 Chick pea (garbanzo),
 Clover (except sweet
 clover),
 Creeping bent,
 Dallis grass,
 Dog's-tail, crested,
 Dolichos,

Fenugreek,
 Fescue grass,
 Foxtail, meadow,
 Guar,
 Guinea grass,
 Harding grass,
 Kudzu,
 Lespedeza,
 Lupine,
 Medic, black,
 Molasses grass,
 Mustard (except wild
 mustard),
 Napier grass,
 Oatgrass, tall,
 Orchard grass,
 Pea, Austrian winter,
 Canadian field,
 Tangier or wedge,

Popcorn,
 Proso,
 Redtop,
 Reed canary grass,
 Rescue grass,
 Rhodes grass,
 Ryegrass,
 Safflower,
 Sainfoin,
 Sand dropseed,
 Sesbania,
 Soybean,
 Sudan grass,
 Sweet vernalgrass,
 Timothy,
 Velvet bean,
 Velvet bent,
 Velvet grass,
 Wheatgrass, crested
 or slender.

NOTE 7.-Exemption will not apply to transportation for which rates are provided in Items Nos. 657 and 658.

NOTE 8.-Exemption will not apply to transportation for which rates are provided in Items Nos. 315 and 605.

NOTE 10.-***

NOTE 11.-Exemption applies only to transportation between points within a radius of 25 miles of the intersection of 1st and Main Streets, Los Angeles, said mileage to be computed in accordance with the provisions of Item No. 100.

* Change)
 *** Canceled) Decision No. 51307

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 Correction No. 65b

Third Revised Page ... 56-A

Cancels

Second Revised Page ... 56-A

MINIMUM RATE TARIFF NO. 2

Item No.	SECTION NO. 3 - COMMODITY RATES (Continued)
ø 700-C Cancels 700-B	LUMBER AND FOREST PRODUCTS, viz.: Logs C A N C E L E D

ø Reduction, Decision No. 51307

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San Francisco, California.
Correction No. 655

Second Revised Page ... 68-C

Cancel

First Revised Page ... 68-C

MINIMUM RATE TARIFF NO. 72

SECTION NO. 5 - FORMS OF DOCUMENTS

* Item No. 911-B Cancels 911-A

SHIPPING ORDER AND FREIGHT BILL
(For Use with Hourly Rates on Logs)

C A N C E L E D

* Change, Decision No. 51307

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Correction No. 656