

Decision No. 55630**ORIGINAL**

## 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 ) (Case No. 5432  
 to the transportation of general ) (Petition for Modification  
 commodities (commodities for which ) No. 82)  
 rates are provided in Minimum Rate )  
 Tariff No. 2).

John MacDonald Smith, for petitioner.  
A. J. Mateik and Arlo D. Poe, for California  
 Trucking Associations, Inc.; J. Quintrall,  
 for Western Motor Tariff Bureau;  
Frank J. Krantz, for Pillsbury Mills, Inc.;  
H. Glenn Armstrong, for General Mills, Inc.;  
 interested parties.  
John R. Laurie, for the Commission's staff.

O P I N I O N

By this petition, Pacific Motor Trucking Company, a highway common carrier, seeks modification of the provisions of Minimum Rate Tariff No. 2 in so far as they apply to the transportation, between points in this state, of icing powder in less than truckload and less than carload quantities. Specifically, petitioner seeks the establishment of an exception classification rating of fourth class, in lieu of the present second class rating.<sup>1/</sup>

Public hearing was held before Examiner Carter R. Bishop at San Francisco on June 10, 1957. Evidence in support of the petition was introduced by petitioner's general traffic manager, and by traffic officials of two manufacturers and shippers of icing powder.

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<sup>1/</sup> In the application the request is made for the establishment of an "any-quantity" rating. However, at the hearing, petitioner's traffic manager explained that "any-quantity" was intended to include all weight brackets subject to less than truckload or less than carload rates.

The record discloses that the commodity in question is a dry mixture of sugar, starch or cornstarch and certain other lesser ingredients, and is used in the home for the icing of cakes and other sweet goods and for making candy. Icing powder is customarily shipped in cartons containing a dozen 6½, 13 or 15 ounce packages.

The present California intrastate less than carload rating of second class, the record further discloses, is that set forth in Item No. 20170 series of Western Classification No. 76. The rating, however, currently applicable on interstate traffic between points in the territory generally west of the Rocky Mountains and on intrastate traffic in other states in that region is fourth class. This is an exception rating published in Item No. 473 Series of Pacific Southcoast Freight Bureau Exception Sheet No. 1-S of Agent J. P. Haynes. This latter rating applies not only on icing powder, but also on the following commodities listed therewith under the generic heading of "confectionery": apricot kernels, cocoa butter, candy or confectionery, NOIBN<sup>2/</sup>, candy fondant (candy filler), confectionery paste or powder, NOIBN, icing paste, chocolate, chocolate candy and confectionery, chocolate coating, ice cream coating, cocoa, cough candy drops or tablets, chewing gum and shelled or unshelled nuts. Moreover, the fourth class exception rating in Item No. 473 series applies on California intrastate shipments of all of the above-mentioned commodities except icing powder.

Petitioner's traffic manager introduced evidence purporting to establish the reasonableness of the sought fourth class rating on icing powder. He compared the densities and values of icing powder with those of the other commodities listed in Item No. 473 series of the exception sheet, all of which, as previously stated, are now

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<sup>2/</sup> NOIBN means "not otherwise indexed by name in this exception sheet or in western classification".

subject to a fourth class less carload rating on California intrastate traffic. According to an exhibit introduced by the traffic manager, the weight of these articles ranges from 18.57 pounds to 54 pounds, per cubic foot, and the values range from \$7.62 to \$37.80, per cubic foot. The same exhibit gives the corresponding data for icing powder, in the 6½ ounce and 13 ounce packages, respectively, as 20.75 pounds and 28.89 pounds per cubic foot; and \$9.54 and \$8.41 per cubic foot. As calculated from figures shown in the exhibit, the values per pound of the articles included in the group range from 25.7 cents to 95.4 cents, and the values of icing powder in the 6½ ounce and 13 ounce packages are 46 cents and 29.1 cents, respectively.

The foregoing data relating to icing powder, the record shows, were supplied by one of the manufacturers whose traffic managers testified in this proceeding. According to the other shipper witness, the icing powder produced by his company is marketed in 15 ounce packages, reflecting a density of 29.35 pounds per cubic foot, and values of \$7.07 per cubic foot and 24.1 cents per pound. A comparison of the preceding data discloses that the density of the small packages of icing powders, as prepared for shipment, is near the bottom of the range of densities of the various commodities in Item No. 473 series, while the densities of the larger sizes of icing powder are nearer the middle of the range. It will also be seen that the value, per pound, of icing powder in the 15 ounce package is the lowest of the entire Item 473 group, while the corresponding values of the 13 ounce and 6½ ounce packages also lie in the lower half of the range of values of the group.

Other transportation characteristics of icing powder, the record discloses, are as favorable as those of the other commodities included in Item No. 473. The packaging and handling of icing powder

are substantially the same as those of the compared articles; and the claim experience of icing powder is extremely favorable.

According to the shipper witnesses, icing powder is marketed in competition with other commodities which are now subject to the fourth class exception rating, particularly with candy and icing paste. Additionally, the icing powder which moves in California intrastate commerce competes with consignments of the same commodity moving into California from neighboring states. As previously mentioned, these interstate shipments presently enjoy a less carload exception rating of fourth class.

The shipper testimony discloses also that there is a substantial volume of traffic which would be subject to the exception rating herein sought. One manufacturer, which formerly distributed from California warehouses icing powder which it produced at its eastern plants, now manufactures the product at Los Angeles for distribution to all states west of the Rocky Mountains. In a recent 12-month period this company sold over 1,000,000 pounds of icing powder in California, about 70 per cent moving via for-hire carriers and the balance in the shipper's own equipment. The average size of the shipments is about 2000 pounds. The other shipper supporting the petition at present moves icing powder in carload lots from its Lodi plant to wholesalers and jobbers, who make the subsequent distribution.

Petitioner's traffic manager compared the carload ratings, as set forth in the Western Classification, of icing powder and the commodities now subject to the fourth class less carload exception rating. His testimony disclosed that icing powder is subject to a fifth class carload rating <sup>3/</sup> while most of the articles in Item No. 473

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<sup>3/</sup> Effective December 30, 1955 in Item No. 9005-B of Western Classification No. 75, issued by Agent George H. Dumas, the carload rating on icing powder was reduced, as to all traffic other than California intrastate traffic, from 4th class to 5th class. By Application No. 37662 authority is sought of this Commission to make the same reduction on California intrastate traffic. Application No. 37662 is now under submission, an examiner's proposed report having been filed. The examiner has recommended granting of authority to establish the fifth class carload rating on icing powder.

of the Exception Sheet are given carload ratings of 4th class under the classification.

No one opposed the granting of the petition.

The justification adduced in support of the petition has been hereinbefore recounted in some detail. It does not appear necessary here to appraise individually the factors comprising petitioner's presentation. Upon careful consideration of all of the evidence of record, the Commission is of the opinion and hereby finds that the petition should be granted. <sup>4/</sup>

Inherent in the petition, and stated by petitioner's traffic manager to be required, is 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 rating to rates which are nonintermediate in application. For the reasons that departures from the above statutory provisions were authorized for the rates, like authority is justified for application of the exception rating. Such authority will be granted.

#### ORDER

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

IT IS ORDERED that Minimum Rate 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 1, 1957, the

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<sup>4/</sup> By its terms, the petition herein seeks establishment of the proposed fourth class exception rating in connection with the Commission's minimum rates applicable "between and within all points and places" in the state. Since, however, the petition was filed only in Case 5432, no minimum rates other than those contained in Minimum Rate Tariff No. 2 are affected by the proposal.

revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Twenty-fourth Revised Page 5 Cancels  
Twenty-third Revised Page 5.

Thirteenth Revised Page 8 Cancels Twelfth  
Revised Page 8.

First Revised Page 37-A Cancels  
Original Page 37-A.

IT IS FURTHER ORDERED that tariff publications authorized to be made by common carriers as a result of the order herein may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the tariff changes herein involved.

IT IS FURTHER ORDERED that common carriers, in establishing and maintaining the exception rating authorized hereinabove, be and they are authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code, to the extent necessary to adjust long-and-short-haul departures now maintained under outstanding authorizations; that such outstanding authorizations be and they are hereby modified only to the extent necessary to comply with this order; and that schedules containing the exception rating published under this authority shall make reference to the prior orders authorizing the long and short haul departures and to this order.

IT IS FURTHER ORDERED that 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 1st day of OCTOBER, 1957.

*W. L. ...*  
President  
*Ralph ...*  
*...*  
*R. Hardy*  
*C. L. Fox*  
Commissioners

Cancels

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	320, 610, 620, 630	Compound, rust preventing or removing (M)	723-726
Carts, Wheel, wooden	660, 690	Compound, type cleaning (M)	723-726
Carts, wooden	365	Compound, waterproofing (M)	723-726
Caps, column	660, 690	*Confectionery	#334 <sup>2</sup> , 360
Caps, Sand Line	365	Containers, Aluminum Bulk Shipping	330
Carriers (used packages)	330	Containers, Beverage	600
Cases (Built-in Fixtures)	660, 690	Cooler Closets	660, 690
Casing, Door and Window Panel	660, 690	Corn	(1), 652, 652 <sup>2</sup> , 654
Casing Shoes	365	Corn Cobs	652, 652 <sup>2</sup> , 654
Castings, Swing Post	365	Cornice Brackets	660, 690
Catchers, Tubing	365	Corn, Kaffir	652, 652 <sup>2</sup> , 654
Catsup	(1)	Corn Steep Water	652, 652 <sup>2</sup> , 654
Cement, pipe fitting (M)	723-726	Countershafts, Oil Well	365
Cereal and Nuts combined	360	Covers, cotton cloth	335
Cereal Food	360	Covers, Guy Wire	660, 690
Cereal Food Preparations	655, 656	Covers, Thief Hole	365
Cereals, cooked	655, 656	Cow Peas	652 <sup>2</sup> , 654
Chaff	652, 652 <sup>2</sup> , 654	Cranes, Derrick	365
Chap Sticks	395	Cross Arms, wooden	660, 690
Charcoal (M)	652 <sup>2</sup> , 654	Crystals, Citrus Fruit Juice	360
Cheese (including cottage and pet cheese) (M)	315, 605	Cupboards	660, 690
Cheese and Macaroni	(1)	Cylinders, Well Pump	365
Chests of Drawers	660, 690	Darso	652, 652 <sup>2</sup> , 654
Chili, ground	(1)	Derrick Cranes	365
China Closets	660, 690	Derricks	365
Chloride of Lime Bleach	730	Dessert Preparations	360
Chocolate	360	Disinfectants	730
Chocolate Coating	360	Distillers' Grains	652, 652 <sup>2</sup> , 654
Chops	652, 652 <sup>2</sup> , 654	Doors	660, 690
Chowders	(1)	Drain Pipe Solvent	730
Citrus Fruit Juice		Dressing, Automobile Top (M)	723-726
Powders or Crystals	360	Dressing, Belt (M)	723-726
Clamps	365	Dressing, Salad	(1)
Clamps, Disconnecting, Drilling, Drive or Gas Packing	365	Drill Bitheads	365
Clay, Fire (M)	365	Drink, fruit	(1)
Clippings	652, 652 <sup>2</sup> , 654	Drugs	395
Clothing, staple work	333	Dry Milk Solids	(1)
Coating, Chocolate	360	Durra	652, 652 <sup>2</sup> , 654
Cocoa	360	Dust, Elevator	652, 652 <sup>2</sup> , 654
Cocanut, prepared	(1)	Earths, Infusorial or Diatomaceous	650
Coffee	360	Egg Yolk	(1)
Coffee, extract of (condensed coffee), dry	334, 360	Eggs, Shelled	360
Coffee Substitutes	360	Egyptian Wheat	652, 652 <sup>2</sup> , 654
Colorings, Confectioners	360	Elevator Dust	652, 652 <sup>2</sup> , 654
Columns	660, 690		
Compound, anti-freeze (M)	723-726		
Compound, carbon removing (M)	723-726		



Compound, cleaning (M)	723-726	Elevators, Pipe or Sucker Rod	365
Compounds, Bleaching, Cleaning, Scouring, Washing	334 $\frac{1}{2}$ , 730	Emmer	652, 652 $\frac{1}{2}$ , 654
Compound, electrical insulating (M)	723-726	Engines (M)	365
Compounds, Flavoring	360	Ether (M)	723-726
Compounds, Food Curing, Preserving or Seasoning	360	Explosives	337
Compounds, Lard	360	Exterminators, vermin (M)	723-726
Compound, malt, milk and cocoa	360, 375	Extracts	360
Compound, milk and cocoa	375	Extracts, coffee (condensed coffee), dry	334, 360
Compounds, Oil Well Drilling Mud	365	Extracts, Malt	600
Compound, paint thinning (M)	723-726	Farina	652, 652 $\frac{1}{2}$ , 654
		Feed, Animal	(1), 652, 652 $\frac{1}{2}$ , 654
		Feed, Barley Hay	652 $\frac{1}{2}$ , 654
		Feed, Bean Straw (M)	652 $\frac{1}{2}$ , 654

\* Change }  
 # Addition } Decision No. 55630

- (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 NOVEMBER 1, 1957

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California.  
 Correction No. 753

## INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Peas, cow	652½, 654	Powders, Citrus Fruit Juice	360
Peas, split or whole (M)	653, 654	Power Pumps (M)	365
Peat Moss	652½, 654	Powers, Pumping	365
Pectin, Fruit or Vegetable	(1)	Protectors, Box and Pin	365
Pencil Slats	660, 690	Prunes (dried)	350, 640
Perfumery	395	Puddings	(1)
Permanent hair-waving sets	395	Pulleys, Tug	365
Petroleum and Petroleum Products as described in Western Classification	723-726	Pull Rod Blocks, wooden	365
Petroleum Jelly	395	Pulp, Beet	652½, 654
Pickets	660, 690	Pulp, Fruit or Vegetable	(1)
Pickles	(1)	Pummies	652, 652½, 654
Pie Mix, Pizza	(1)	Pumps, Power (M)	365
Pie Preparations	(1)	Puree, Tomato	(1)
Pilasters	660, 690	Rails, Hand	660, 690
Piles	660, 690	Raisins	350, 640
Pimentos	(1)	Rams, Bit	365
Pins, insulator	660, 690	Ravioli (prepared)	(1)
Pins, wooden	365	Red Dog	652, 652½, 654
Pipe, cast or wrought iron or steel	365	Redwood Bark	652½, 654
Pipe, cast iron pressure	378	Reels, Measuring	365
Pipe, cast iron soil	378	Reels, Sand	365
Pipe material, wooden	660, 690	Repellents, insect (M)	723-726
Pipe, plate or sheet iron or steel	365	Rice-and-Milk	(1)
Pipe, wooden	660, 690	Rice, Brewers'	728
Pizza Pie Mix	(1)	Rice, Cleaned	728
Plugs, Cementing	365	Rice, Paddy	728
Plugs, Dry Hole	365	Rig Irons	365
Plywood	660, 690	Rings and Wedges	365
Poles, Plant	660, 690	Rods, Polished or Valve	365
Poles, Telegraph and Telephone	660, 690	Rods, Pull (M)	365
Polish, floor (M)	723-726	Rods, Sucker	365
Polish, furniture (M)	723-726	Rope (M)	365
Polish, metal (M)	723-726	Rope, Wire	365
Polish, Rice	652½, 654	Rose Water	395
Polish, vehicle (M)	723-726	Rosettes	660, 690
Popcorn	360	Running Gears, steam boiler (M)	365
Porch Work	660, 690	Rye	652, 652½, 654
Porter	310, 360, 600	Saddles, Jack	365
Posts	660, 690	Sago	360
Potato Chips	360	Sago (M)	653, 654
Poultry Litter	652½, 654	Salads, Fish, Macaroni, Meat or Vegetable	360
Powder, Baking or Yeast	360	Salt	360, 380
#Powder, Icing	334½	Sand Reels	365
Powder, Sachet or Toilet	395	Sandwich Spreads	(1)
		Sash	660, 690
		Sauce, pepper	(1)

Sauces, table	(1)	Seed, Hemp	652,654
Sausage	(1)	Seed, Melilotus	652 <sup>+</sup> ,654
Sausage Casings	610	Seed, Millet	652,654
Savers, Oil	365	Seed, Rape	652,654
Sawdust	660,690	Seed, Sorghum	652 <sup>+</sup> ,654
Scourings	652,652 <sup>+</sup> ,654	Seed, Sunflower	652 <sup>+</sup> ,654
Scrap, Fish	652 <sup>+</sup> ,654	Seed, Sweet Clover	652 <sup>+</sup> ,654
Screenings, Alfalfa		Seed, Vetch	652 <sup>+</sup> ,654
Seed	652 <sup>+</sup> ,654	Seed, Wild Mustard	652,654
Screenings, Bean	652 <sup>+</sup> ,654	Semolina	652,652 <sup>+</sup> ,654
Screenings, Flaxseed	652 <sup>+</sup> ,654	Shakes	660,690
Screenings, Grain,		Shampoo	395
ground	652,652 <sup>+</sup> ,654	Shallu	652,652 <sup>+</sup> ,654
Screenings, Grain,		Shavings	660,690
unground	652,652 <sup>+</sup> ,654	Shellacs	377
Screenings, Millet	652 <sup>+</sup> ,654	Shells (M)	652 <sup>+</sup> ,654
Screenings, Paddy		Shelves	660,690
Rice	652 <sup>+</sup> ,654	Shelves, Mantel	660,690
Screenings, Pea	652 <sup>+</sup> ,654	Shingles	660,690
Screens	660,690	Ship Knees	660,690
Scroll Work	660,690		
Seed, Broom Corn	652,654		
Seed, Flaxseed	652,654		

# Addition, Decision No. 55630

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

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

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Correction No. 754

Cancels  
Original Page

37-A

SECTION NO. 1-RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		Class Rating
EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)		
334	Coffee, extract of (condensed coffee), dry, less carload .....	4
334½	Compounds, cleaning, scouring or washing, not otherwise indexed by name in the Western Classification, less carload ...	4
#334¾	Confectionery, viz.: Powder, Icing, less carload .....	¾ 4
335	Covers, hood, radiator, seat, spring, steering wheel, tire or top, cotton cloth, not fitted or formed, less carload .....	3
337	Explosives, as described in and subject to the provisions of Item No. 520 series of the Exception Sheet. Minimum weight 20,000 pounds .....	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. 55630

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