

Decision No. 57215

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 to the transportation)	Case No. 5438
of fresh or green fruits and vegetables and)	
related items (commodities for which rates are)	
provided in Minimum Rate Tariff No. 8).)	

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariff No. 8 provides minimum rates and rules for the transportation of fresh or green fruits and vegetables between points in California. Items Nos. 210 and 220 thereof set forth provisions for the alternative application of common carrier rates and alternative application of combinations with common carrier rates. For clarification, these items will be revised to specifically provide that a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight applicable in connection with the common carrier rate shall be used. This clarification is in conformity with Informal Ruling No. 20 of the Commission's Transportation Division, issued October 19, 1956.

In addition, the tariff will be revised to provide specifically that accessorial charges may not be offset by transportation charges. This clarification is in conformity with Informal Ruling No. 35, issued February 20, 1958.

Therefore, good cause appearing,


C. 5438 - AMS

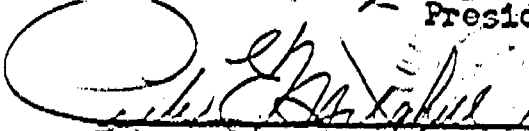
IT IS ORDERED that Minimum Rate Tariff No. 8 (Appendix "C" of Decision No. 33977, as amended) is hereby further amended by incorporating therein to become effective September 12, 1958, Twelfth Revised Page 2, Third Revised Page 18 and First Revised Page 19, which revised pages are attached hereto and by this reference made a part hereof.


In all other respects, said Decision No. 33977, as amended, shall remain in full force and effect.

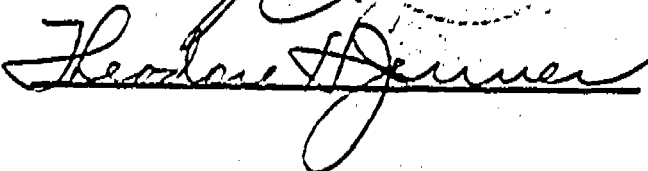
This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 19th day of August, 1958.



President






Commissioners

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EFFECTIVE September 12, 1956	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	
Correction No. <u>219</u>	

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
200-A Cancels 200	<p style="text-align: center;">APPLICATION OF COMBINATIONS OF RATES</p> <p>In the event two or more rates are named in this tariff for the same transportation, the lower rate shall apply. In the event a combination of rates makes a lower aggregate through rate or charge than a single rate, such lower combination of rates shall apply.</p>
*210-B Cancels 210-A	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>(a) Common carrier rates, except rates of coastwise common carriers by vessel, may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation between the same point of origin and the same point of destination than results from the application of the rates herein provided. (See Notes 1 and 2)</p> <p>(b) Team track-to-team track rates of common carriers by railroad may be applied in lieu of the rates provided in this tariff, in connection with transportation between established depots in the same cities or unincorporated communities in which such team tracks are located, when such team track-to-team track rates produce a lower aggregate charge than results from the application of the rates provided in this tariff for depot-to-depot movements. (See Notes 1 and 2.)</p> <p>NOTE 1.-In determining the aggregate charge by railroad for the transportation of fruits, vegetables or mushrooms as described in Item No. 40, the charge for refrigeration service shall be the charge for mechanical refrigeration service named in the applicable rail tariff or tariffs.</p> <p>#NOTE 2.-In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p>
215	<p style="text-align: center;">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs include references to amendments and successive issues of such other tariffs.</p>
#217	<p style="text-align: center;">ACCESSORIAL CHARGES NOT TO BE OFFSET BY TRANSPORTATION CHARGES</p> <p>Accessorial charges set forth in this tariff for accessorial services not included in the rate for actual transportation shall be assessed and collected whenever such services are performed, regardless of the level of the transportation rate assessed. Such accessorial charges may not be waived on the basis that a higher-than-minimum transportation rate serves as an offset.</p>

* Change)
Addition) Decision No. 57215

EFFECTIVE SEPTEMBER 12, 1958

Issued by the Public Utilities Commission of the State of California,
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Correction No. 220

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
*220-A Cancels 220	<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates, except rates of coastwise common carriers by vessel, for the same transportation:</p> <p>(a) When point of origin is located beyond railhead or an established depot and point of destination is located at railhead or an established depot, add to the common carrier rate applying from any team track or established depot to point of destination the rate provided in this tariff for the distance from point of origin to the team track or depot from which the common carrier rate applies. (See Notes 1 and 2.)</p> <p>(b) When point of origin is located at railhead or an established depot and point of destination is located beyond railhead or an established depot, add to the common carrier rate applying from point of origin to any team track or established depot the rate provided in this tariff for the distance from the team track or depot to which the common carrier rate used applies to point of destination. (See Notes 1 and 2.)</p> <p>(c) When both point of origin and point of destination are located beyond railhead or an established depot, add to the common carrier rate applying between any railheads or established depots the rate provided in this tariff for the distance from point of origin to the team track or depot from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the team track or depot to which the common carrier rate used applies to point of destination. (See Notes 1 and 2.)</p> <p>NOTE 1.-If the route from point of origin to the team track or the established depot, or from the team track or established depot to point of destination, is within the corporate limits of a single incorporated city, the rates provided in this tariff for transportation for distances of 3 miles or less, or rates established for transportation by carriers as defined in the City Carriers' Act (Chapter 312, Statutes of 1935, as amended), whichever are the lower, shall apply from point of origin to team track or established depot or from team track or established depot to point of destination as the case may be.</p> <p>#NOTE 2.-In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p>

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