

Decision No. 57405**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into)
 the rates, rules and regulations, charges)
 allowances and practices of all common)
 carriers, highway carriers and city)
 carriers relating to the transportation)
 of any and all commodities between and)
 within all points and places in the)
 State of California (including, but not)
 limited to, transportation for which)
 rates are provided in Minimum Rate Tariff)
 No. 2).

Case No. 5432
 Petition for Modification
 No. 117

OPINION AND ORDER

By petition filed August 8, 1958, Carnation Company requests amendment of Minimum Rate Tariff No. 2 by providing therein an exception rating of fourth class on less-than-carload shipments of "Milk Food, other than liquid, other than malted milk." This commodity now takes a second-class rating on California intrastate shipments as provided in the Western Classification.

Petitioner states that its dry milk food product has shipping characteristics, including the shipping containers, manner of packaging, weight, cubic density, and values per pound, comparable with similar type products manufactured and distributed by petitioner, such as instant powdered milk, malted milk, and instant chocolate drink. Petitioner also states that the powdered milk is now rated in Minimum Rate Tariff No. 2 at 90 percent of fourth class, and that the malted milk and instant chocolate drink are rated at fourth class. Accordingly, petitioner alleges that it is required to pay unreasonably higher rates on its shipments of the dry milk food product than on the other products referred to.

Interested parties, including the California Trucking Associations, Inc., have been notified of the filing of the petition. No one protests its being granted. A public hearing is not necessary.

The Commission is of the opinion and finds that a fourth-class exception rating is reasonable for less-than-carload shipments of "Milk Food, other than liquid, other than malted milk." The petition will be granted.

Inherent in the petition 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 approved exception rating in connection with class 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.

Therefore, good cause appearing,

IT IS ORDERED:

1. 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 October 31, 1958, Seventeenth Revised Page 7 and Tenth Revised Page 39, which revised pages are attached hereto and by this reference made a part hereof.

2. That common carriers, in establishing and maintaining the exception rating authorized hereinabove, 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 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 long-and-short-haul departures and to this order.

3. 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.

4. In all other respects said Decision No. 31606, 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 29th day of September, 1958.

S. Lynn Fox
President
John C. Smith
James W. Miller
Walter J. Galt
Theodore Jensen
Commissioners

INDEX OF COMMODITIES (Continued)			
COMMODITY	Item Number	COMMODITY	Item Number
Lime, Chlorinated	730	Meal, Velvet Bean	652 ¹ , 653, 654
Liners	365	Meats, cooked, cured	(1)
Liners, Polished Rod	365	or preserved	(1)
Lines, Measuring	365	Meat other than fresh	360
Links	365	Meat Substitutes	360
Lipsticks, medicated		Mechanics' Tools (M)	365
(chap sticks)	395	Medicine Cabinets	660, 690
Liquid, cigar or cigar-		Medicines	395
ette lighter (M)	723-726	Middlings	652, 652 ¹ , 654
Liquors, Malt	360, 600	Military toilet kits	395
Liquors, Vinous	360, 600	Milk (condensed or	
Logs	711-715	evaporated) liquid	(1)
Lubricant, Grease Binder	723-726	Milk and cocoa compound	375
Lumber	660, 690, 700	Milk, dried	652 ¹ , 654
Lye, Concentrated	730	Milk, Malted	360, 375
		Milk, sour skim	652 ¹ , 654
Macaroni (M)	653, 654	Milk, sterilized	(1)
Macaroni, except canned	360	Milk Food, other than	
Macaroni (prepared)	(1)	liquid, other than	
Macaroni and Cheese	(1)	malted milk	375
Machines, Oil Well		Milo Maize	652, 652 ¹ , 654
Pulling	365	Mince Meat	(1)
Machines, Rotary		Mix, Pizza Pie	(1)
Drilling	365	Molasses	(1), 652 ¹ , 654
Maize	652, 652 ¹ , 654	Molding, Carpenters'	660, 690
Malt	652, 652 ¹ , 654	Molding, Casing	660, 690
Malt, milk and cocoa		Mud Mixer Parts	365
compound	360, 375	Mustard	360
Malt Sprouts	652, 652 ¹ , 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 ¹ , 654	Oats	652, 652 ¹ , 654
Meal, Alfalfa	652 ¹ , 653, 654	Oats, rolled	652, 652 ¹
Meal, Babassu Nut	652 ¹ , 653, 654	Offal	652, 652 ¹ , 654
Meal, Bean Straw	652 ¹ , 653, 654	Oil, cooking	(1), 730
Meal, Clover	652 ¹ , 653, 654	Oil, Fish (M)	652 ¹ , 654
Meal, Coconut	652 ¹ , 653, 654	Oil, Olive	(1)
Meal, Copra	652 ¹ , 653, 654	Oil, (other than	
Meal, Corn Germ	652 ¹ , 653, 654	medicinal) (M)	723-726
Meal, Corn Oil (M)	652 ¹ , 654	Oil, petroleum	
Meal, Cottonseed	652 ¹ , 653, 654	medicinal (M)	723-726
Meal, Fish	652 ¹ , 653, 654	Oil, Salad	(1), 730
Meal, Flaxseed	653, 654	Olives	(1)
Meal, Gluten	652, 652 ¹ , 654	Onion Chips	(1)
Meal, (Grain)	652, 652 ¹ , 654	Onion Powder	(1)
Meal, Hemp Seed	652 ¹ , 653, 654	Ornaments, Gable	660, 690
Meal, Kapok Seed	652 ¹ , 653, 654	Outfits, insect	
Meal, Linseed	652 ¹ , 653, 654	destroying (M)	723-726
Meal, Meat	652 ¹ , 654	Outfits, Oil, Water	
Meal, Mesquite (M)	652 ¹ , 654	or Gas Well	365
Meal, Palm	652 ¹ , 653, 654	Outfits, Wire Line	
Meal, Palm Kernel	652 ¹ , 653, 654	Pumping	365
Meal, Peanut	652 ¹ , 653, 654	Packers	365
Meal, Perilla	653, 654	Paint, asphaltic (M)	723-726
Meal, Perilla Seed	652 ¹ , 653, 654	Paint, liquid (M)	723-726
Meal, Rape Seed	652 ¹ , 653, 654	Paint, liquid or paste	377
Meal, Rice	652 ¹ , 654	Paneling	660, 690

Meal, Safflower Seed	653, 654	Parts, Boiler (M)	365
Meal, Sesame Seed	652 ² , 653, 654	Parts, Mud Mixer	365
Meal, Soya Bean	652 ² , 653, 654	Paste, Alimentary	360
Meal, Sunflower Seed	652 ² , 653, 654	Paste, Confectioners'	360
Meal, Tucum Nut	652 ² , 653, 654	Paste, Tomato	(1)
		Peanut Butter	(1)

Addition, Decision No. 57405

- (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 OCTOBER 31, 1958

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 849

Cancel

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION(Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
370	Ice cream, less carload.....	2
*375-A Cancels 375	Malt, milk and cocoa compound } Milk and cocoa compound } Milk, malted } less carload #6 Milk Food, other than liquid, } other than malted milk }	4
377-A Cancels 377	Paints or Varnishes, not otherwise indexed by name in the Western Classification, Bronzing Liquids, Lacquers or Shellacs, liquid or paste, less carload..... Paint, Lacquer or Varnish Reducing, Removing or Thinning Compounds, not otherwise indexed by name in the Western Classification, less carload	4
378-A Cancels 378	Pipe, cast iron pressure, not less than 12 feet and not more than 18½ feet in length, in straight shipments or in mixed shipments with cast iron pressure pipe fittings Pipe, cast iron soil, not less than 5 feet and not more than 5½ feet in length, in straight shipments, or in mixed shipments with cast iron soil pipe fittings. Minimum weight, 36,000 pounds	5
379	Plastics, synthetic, liquid or other than liquid, not otherwise indexed by name in the Western Classification, weighing 30 pounds or more per cubic foot, in rubber bags, each bag containing not less than 9,000 pounds of plastics; consignor to load and consignee to unload by mechanical means. Minimum weight, 40,000 pounds	E
380	Salt, common, less carload	90% of 4
390-A Cancels 390	Sugar (Applies only in connection with rates which are subject to a minimum weight of less than 10,000 pounds)	90% of 4

* Change
Addition) Decision No. 57405
o Reduction)

EFFECTIVE OCTOBER 31, 1958

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 85c