

Decision No. 50170

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) Case No. 5432
 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).)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 56762 of May 27, 1958, in this proceeding, amended Minimum Rate Tariff No. 2 to exempt therefrom property transported for the United States Government. The use of the word "for" in the exemption has given rise to the argument that shippers other than the United States may negotiate rates in cases where shipments are consigned to the United States.

To set this question at rest, the tariff will be amended so as to exempt "property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services." A similar clarification will be made in the tariff exemption applicable to state, county or municipal governments.

Therefore, good cause appearing,

IT IS ORDERED that Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective June 19, 1959, Thirty-eighth Revised Page 14 and Twenty-seventh Revised Page 15, which revised pages are attached hereto and by this reference made a part hereof.

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 22nd day of May, 1959.

E. J. Fox

 President
W. H. ...

Herbert ...

Ernest ...

 Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
<p>*40-LL Cancel's 40-KK</p>	<p style="text-align: center;">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, Commodities when transported in dump trucks, for which rates are provided in Minimum Rate Tariff No. 7, 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, 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 which have been sold at retail by a retail merchant, transported from retail stores or retail store warehouses, or transported from retail customers to retail stores or retail store warehouses (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, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services, 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, 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, Livestock, Logs (wood) Margarine (Subject to Note 8), Milk, liquid (Subject to Note 2), Newspapers; newspaper supplements, sections or inserts; (not scrap or waste),</p>

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,

Concrete transported in motor vehicles equipped for mechanical mixing in transit,

Cotton,

Cream (Subject to Note 2),

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 of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.

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. 58472

EFFECTIVE JUNE 19, 1959

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.

Correction No. 911

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		
	<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES (Concluded)</p> <p style="text-align: center;">(Items Nos. 40 and 41)</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p>Sea Shells, crushed, ground, powdered or disintegrated (Subject to Note 5), Seeds, cotton, Seeds, field, as described in Note 6, Shell Marl, crushed, ground, or powdered, (1) Shells, walnut, Shipments weighing 100 pounds or less when delivered from retail stores or retail warehouses where the property has been sold at retail by a retail merchant, or when returned to the original retail store shipper via the carrier which handled the outbound movement (Subject to Note 3), Shipments weighing 10 pounds or less when transported by carriers which operate no vehicles exceeding a licensed weight of 4,000 pounds. (Subject to Note 12.), Sulphur, United States mail transported for the Post Office Department under contract,</p> </td> <td style="vertical-align: top; width: 50%;"> <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 of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services, Vegetables, fresh or green (not cold pack nor frozen), Vegetables, dried, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper Pods, Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.</p> </td> </tr> </table> <p>*41-X Cancels 41-W</p> <p>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>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>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>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>NOTE 5.-Exemption does not apply to sea shells as described in Item No. 652.</p> <p>NOTE 6.-Exemption applies only to field seeds, viz.:</p>	<p>Sea Shells, crushed, ground, powdered or disintegrated (Subject to Note 5), Seeds, cotton, Seeds, field, as described in Note 6, Shell Marl, crushed, ground, or powdered, (1) Shells, walnut, Shipments weighing 100 pounds or less when delivered from retail stores or retail warehouses where the property has been sold at retail by a retail merchant, or when returned to the original retail store shipper via the carrier which handled the outbound movement (Subject to Note 3), Shipments weighing 10 pounds or less when transported by carriers which operate no vehicles exceeding a licensed weight of 4,000 pounds. (Subject to Note 12.), Sulphur, 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 of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services, Vegetables, fresh or green (not cold pack nor frozen), Vegetables, dried, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper Pods, Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.</p>
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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,
 Doliches,

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

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.

NOTE 12.-Exemption applies only to transportation between points located within the Los Angeles Basin Territory as described in Item No. 270.

(1) Exemption expires with June 30, 1959.

* Change, Decision No. 58472

EFFECTIVE JUNE 19, 1959

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.

Correction No. 912