

ORIGINALDecision No. 51439

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 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 No. 188

(Filed May 31, 1960)

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 property in Los Angeles and Orange Counties (transportation for which rates are provided in Minimum Rate Tariff No. 5).

Case No. 5435

Petition No. 22

(Filed October 3, 1960)

Frank B. Martin and Robert H. Curlette, for American Viscose Corporation, petitioner.
Frank Dunn, for G. I. Trucking Company, respondent.
Arlo D. Poe, J. C. Kaspar and James Quintrall, for California Trucking Associations, Inc., Jesse J. Bradley, for Crown Zellerbach Corporation, and Robert F. Staib, for Blake, Moffitt & Towne, interested parties.
Leonard R. Diamond, for the Commission's staff.

O P I N I O N

American Viscose Corporation, petitioner in the above matters, seeks the establishment in Minimum Rate Tariffs Nos. 2 and 5 of a 4th class, less-carload, exception rating for

"Cellulose film, not printed (transparent sheets of not nitrated cellulose film such as commonly used for wrapping purposes), or cellulose film combined or coated with plastic other than cellulose, in rolls exceeding 8½ inches in diameter, or in sheets not further processed than cut to size, in boxes or crates or in wrapped bundles or rolls."

Under present provisions of the Western Classification said film is subject to a rating of 3d class. Petitioner alleges that the 3d class rating for the film is unduly discriminatory in relation to ratings that apply to competitive products, and that, furthermore, the transportation characteristics of cellulose film, as described, justify establishment of the lower rating of 4th class which is sought in these matters.

Public hearing on petitioner's proposals was held before Examiner C. S. Abernathy at Los Angeles on September 23, 1960. Evidence was submitted by petitioner's director of traffic, by its traffic manager, and by representatives of a distributor and of three carriers of petitioner's products. Representatives of the California Trucking Associations, Inc., and of the Commission's staff also participated in the development of the record. The matters were taken under submission for decision on October 24, 1960.¹

According to evidence which was submitted by the several witnesses, petitioner's film is used primarily as an industrial packaging material. Some of the main uses are the wrapping of bakery products, meats, confectionery products and chewing gum. Principal competing packaging materials for these same uses are glassine, waxed paper and greaseproof paper. In California, the rating which applies to cellulose film is one class higher than the ratings for said

¹The hearing was originally scheduled in response to Petition No. 188 in Case No. 5432. The proposals in this petition apply to Minimum Rate Tariff No. 2. At the hearing it was developed that petitioner mistakenly was under the impression that its proposals applied to Minimum Rate Tariff No. 5 also. Pursuant to petitioner's request, the matter was broadened to include Minimum Rate Tariff No. 5, and a confirming filing in Case No. 5435 was subsequently made by petitioner on October 3, 1960. The submission of the two matters for decision was deferred until October 24, 1960, in order to afford interested parties reasonable opportunity to except to the proposals as applying to Minimum Rate Tariff No. 5. No exceptions to said proposals have been received.

competing materials. In various other rate areas, however, cellulose film is subject to the same or equivalent ratings or to the same commodity rates that apply to the aforesaid competing materials. Petitioner's traffic manager stated that prior to the filing of the petitions in these matters, his company had applied to the Classification Committee for the Uniform and the Consolidated (including the Western) Classifications for the establishment in the Consolidated Classification of the rating which is sought herein. Although the Committee had established an equivalent rating in the Uniform Classification, it declined to make the corresponding adjustment in the Consolidated Classification for the reason that it was endeavoring to limit the application of the Consolidated Classification.

Regarding the transportation characteristics of the cellulose film, the witnesses presented evidence to the effect that the density of the film, as packed for shipment, ranges from 42 to 66 pounds per cubic foot; that the value of the film is about 54 cents per pound; that the film is adequately packaged for shipment; that the shipments are moved with a minimum of loss or damage; that few, if any, special services are required in connection with the movements; that, in the loading of the shipments, the carriers are able to attain efficient usage of their equipment; and that the total volume of the tonnage which is transported per year is substantial and increasing.

The petitions in these matters should be granted. The record is clear that in essential respects the transportation characteristics of the film are the same as, or substantially the same as, those of commodities which have heretofore been accorded a 4th class rating. On this basis it appears that the 4th class rating should be made applicable to the film also. It appears, moreover,

that granting of petitions would give the same effect within California to the transportation characteristics of the film as has been granted in other rate areas, and would thereby place the film on the same basis of transportation competitive equality that has been accepted as reasonable and justified by carriers elsewhere. In the circumstances the Commission is of the opinion and finds that the sought 4th class rating would be reasonable for incorporation in Minimum Rate Tariffs Nos. 2 and 5. In order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 5 will be amended by a separate order.

O R D E R

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

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) be, and it hereby is, further amended by incorporating therein, to become effective March 25, 1961, the revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Thirty-second Revised Page 5
Twentieth Revised Page 6
First Revised Page 37-B

2. Tariff publications authorized to be made by common carriers as a result of the order herein may be filed not earlier than the effective date hereof, and may be made effective 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.

3. Common carriers be, and they hereby are, authorized to depart from the provisions of Article XII, Section 21, of the State Constitution, and of 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 rating published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

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 7th day of FEBRUARY, 1961.

Charles R. ...
President
John E. ...
S. ...
...
Frederick B. Holohoff
Commissioners

INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Candles (M)	377.5,723-726	Compounds, carbon, green or sludge removing (M)	377.5,723-726
Candy	360	Compounds, Flavoring	360
Candy coating, other than chocolate	334-3/4	Compounds, floor hardening (M)	377.5,723-726
Canned Goods	320,620,630	Compounds, Food Curing, Preserving or Seasoning	360
Cants, wooden	365	Compounds, Lard	360
Caps, Sand Line	365	Compounds, Oil Well Drilling Mud	365
Carriers(used packages)	330	Compounds, paint, lacquer or varnish reducing, removing or thinning	377
Casing Shoes	365	Concentrate, Flavin	652-654½
Castings, Swing Post	365	Confectionery	334-3/4,360
Catchers, Tubing	365	Containers, Aluminum Bulk Shipping	330
Catsup	320	Containers, Beverage	330
#Cellulose film	332	Corn	320,652-654½
Cement, pipe fitting (M)	377.5,723-726	Corn Cobs	652-654½
Cereal and Nuts combined	360	Corn, Kaffir	652-654½
Cereal Food	360	Corn Steep Water	652-654½
Chaff	652-654½	Corundum	302
Chap Sticks	395	Countershafts, Oil Well	365
Charcoal (M)	652-654½	Covers, cotton cloth	335
Cheese (including cottage and pot cheese) (M)	315,605	Covers, Thief Hole	365
Cheese and Macaroni	360	Cow Peas	652-654½
Chilli, ground	320	Cranes, Derrick	365
Chloride of Lime Bleach	730	Cross Arms, wooden	690,710
Chocolate	360	Crystals, Citrus Fruit Juice	360
Chocolate Coating	360	Cylinders, Well Pump	365
Chops	652-654½		
Chowders	320	Darso	652-654½
Citrus Fruit Juice Powders or Crystals	360	Derrick Cranes	365
Clamps	365	Derricks	365
Clamps, Disconnecting, Drilling, Drive or Gas Packing	365	Dessert Preparations	360
Clay, Fire (M)	365	Disinfectants	730
Clippings	652-654½	Distillers' Grains	652-654½
Cloth, abrasive	302	Drain Pipe Solvent	730
Clothing, staple work	333	Dressing, Automobile Top (M)	377.5,723-726
Clover	652-654½	Dressing, rubber (M)	377.5,723-726
Coating, candy, other than chocolate	334-3/4	Dressing, Salad	320
Coating, Chocolate	360	Dressing, shoe (M)	377.5,723-726
Cocoa	360	Drill Bitheads	365
Coconut, prepared	333.5	Drink, fruit	320
Coffee	360	Drugs	395
Coffee, extract of (condensed coffee), dry	334,360	Dry Milk Solids	320
Coffee Substitutes	360	Durra	652-654½
		Dust, Elevator	652-654½

Coloring, Confectioners'	360	Earths, Infusorial or	
Compound, cleaning (M)	377.5, 723-726	Diatomaceous	650
Compound, electrical		Egg Yolk	320
insulating (M)	377.5, 723-726	Eggs, Shelled	360
Compound, malt, milk		Egyptian Wheat	652-654½
and cocoa	360, 375	Elevator Dust	652-654½
Compound, metal cutting,		Elevators, Pipe or	
drawing or drilling (M)	377.5, 723-726	Sucker Rod	365
Compound, paint thin-		Emery	302
ning (M)	377.5, 723-726	Emmer	652-654½
Compound, radiator		Engines (M)	365
cleaning (M)	377.5, 723-726	Ether (M)	377.5, 723-726
Compound, rust prevent-		Explosives	337
ing or removing (M)	377.5, 723-726	Exterminators, vermin (M)	377.5, 723-726
Compound, type		Extracts	360
cleaning (M)	377.5, 723-726	Extracts, coffee (con-	
Compound, water-		densed coffee), dry	334, 360
proofing (M)	377.5, 723-726	Farina	652-654½
Compounds, anti-freeze (M)	377.5, 723-726	Farina and Wheat Germ	652-654½
Compounds, Bleaching,		Feed, Animal	338, 620-630,
Cleaning, Scouring,			652-654½
Washing	334½, 730	Feed, Barley Hay	652-654½
Compounds, buffing or		Feed, Bean Straw (M)	652-654½
polishing	334½		

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

Addition, Decision No. **51439**

EFFECTIVE MARCH 25, 1961

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1126

INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Feed, Clover	652-654 $\frac{1}{2}$	Glucose	360
Feed, Gluten	652-654 $\frac{1}{2}$	Glycerine, unmedicated	395
Feed, Mill	652-654 $\frac{1}{2}$	Grain Products, as described	652-654 $\frac{1}{2}$
Feed, Poultry	652-654 $\frac{1}{2}$	Grain	652-654 $\frac{1}{2}$
Feed, Sorghum (M)	652-654 $\frac{1}{2}$	Grains, Brewers'	652-654 $\frac{1}{2}$
Feed, Soybean Mill	652-654 $\frac{1}{2}$	Grains, Distillers'	652-654 $\frac{1}{2}$
Feterita	652-654 $\frac{1}{2}$	Grass, Sudan	652-654 $\frac{1}{2}$
#Film, cellulose	332	Grass, Water	652-654 $\frac{1}{2}$
Fire Brick (M)	365	Grate Bars	365
Fire Clay (M)	365	Grips	365
Fish, cooked, pickled or preserved	320, 345	Grit	652-654 $\frac{1}{2}$
Fish, other than fresh or frozen	360	Grits	652-654 $\frac{1}{2}$
Fish Roe	320	Groats	652-654 $\frac{1}{2}$
Fittings, Iron or Steel Pipe	365, 378	Guides, Wire Line	365
Flakes, Brewers'	652-654 $\frac{1}{2}$	Gum, Chewing	360
Flakes, Hominy	652-654 $\frac{1}{2}$	Handles, wooden	365
Flavoring Compounds	360	Hay	355, 658
Flaxseed	652-654 $\frac{1}{2}$	Heads, Control Casing, Drive Pipe or Casing	365
Flour, Bean	339, 652-654 $\frac{1}{2}$	Hegari	652-654 $\frac{1}{2}$
Flour, Blood	652-654 $\frac{1}{2}$	Higera	652-654 $\frac{1}{2}$
Flour, Grain	339, 652-654 $\frac{1}{2}$	Hominy	320, 652-654 $\frac{1}{2}$
Flour, Potato	339, 652-654 $\frac{1}{2}$	Hominy Flakes	652-654 $\frac{1}{2}$
Flour, Prepared	339, 652-654 $\frac{1}{2}$	Honey	320-360
Flour, Rice	339, 652-654 $\frac{1}{2}$	Hooks, Casing, Sucker Rod, Throwoff, or Tubing	365
Flowers, fresh cut	340	Horseradish	360
Flues, Boiler	365	Horseradish, prepared	320
Fodder, bean, cane corn or pea	355	Hulls	652-654 $\frac{1}{2}$
Fondent, Candy	360	Hulls, cottonseed	652-654 $\frac{1}{2}$
Food, Baby	320	Hulls, Rice	652-654 $\frac{1}{2}$
Food, Cereal	360	Hulls, safflower seed	652-654 $\frac{1}{2}$
Food, Infants' or Invalids'	360	Hulls, sunflower seed	652-654 $\frac{1}{2}$
Food Preparations, Cereal	360	Ice Cream	370
Foodstuffs for human consumption	345, 620-630	Icings	360
Forges	365	Insecticides (M)	377.5, 723-726
Fruit (not dried, evaporated nor fresh)	320	Iron, Plate or Sheet	365
Fruit, candied, crystallized, glazed or stuffed	360	Jacks, Oil Well Pumping	365
Fruit, crushed	320	Jacks, Well Tool	365
Fruit, dehydrated, dried or evaporated	350	Jam	320
Fruit Drink		Jelly	320
Fruit Juice Powders or Crystals, Citrus	360	Joints, Rotary Tool and Sucker Rod	365
		Juice, Chan	320
		Juice, Fruit	320

Fruit Peel, candied crystallized, glazed or stuffed	360	Kaffir Corn	652-654½
Fruit Syrup	360	Kaoliang	652-654½
Garlic Chips	320	Kelp	652-654½
Garlic Powder	320	Lacquers	377
Gas, petroleum liquefied	377.5, 723-726	Lard	360, 730
Gauges, Bit	365	Lard Compounds	360
Gelatine	360	Lard Substitutes	360, 730
Generators, Electric(M)	365	Leaves, cactus	355
Germ	652-654½	Lentils (M)	652-654½

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

Addition, Decision No. **81439**

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Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)																	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating																
330	<p>Carriers (used packages), second hand, empty, as described in and subject to the provisions of Item No. 300 of the Exception Sheet, and</p> <p>Containers, aluminum bulk commodity shipping, nested, subject to Note 1 of Item No. 300 of the Exception Sheet.</p> <p>Less carload -----</p> <p>Carload:</p> <p>Minimum Weight 12,000 pounds -----</p> <p>Minimum Weight 30,000 pounds -----</p> <p>Carriers, malt beverage, viz.: Barrels, half barrels, casks, drums, hogsheads, kegs, puncheons, tierces, bottles, bottle carriers, pallets, subject to the provisions of Item No. 300 of the Exception Sheet.</p> <p>Less carload -----</p> <p>Carload:</p> <p>Minimum Weight 20,000 pounds -----</p> <p>(1) Does not apply to Carriers, malt beverage.</p> <p>(2) Subject to minimum rate of 28 cents per hundred pounds or actual 4th class rate whichever is lower. On continuous through movements on which charges are obtained by use of combinations of separately established rates, the minimum rate stated above shall apply, not in connection with the separately established factors, but to the total of the combined rate applicable to the through continuous movement.</p> <p>(3) Not to exceed less carload rate.</p>	<p>(1)(2)$\frac{1}{2}$ of 4</p> <p>(1)(3)B</p> <p>(1)(3)E</p> <p>Western Classification Ratings apply</p> <p>D</p>																
#6 332	<p>Cellulose film, not printed (transparent sheets of not nitrated cellulose film such as commonly used for wrapping purposes) or cellulose film combined or coated with plastic other than cellulose, in rolls exceeding 8$\frac{1}{2}$ inches in diameter, or in sheets not further processed than cut to size, in boxes or crates, or in wrapped bundles or rolls.</p> <p>Less carload -----</p>	<p>4</p>																
333	<p>Clothing, staple work viz.: Dungarees, coveralls, overalls, breeches, pants, shirts or jackets (see Note 1) made of any one or any combination of the following fabrics made wholly of cotton:</p> <table border="0" data-bbox="280 1965 941 2104"> <tr> <td>Denim</td> <td>Drills</td> <td>Flannels</td> <td>Corduroys</td> </tr> <tr> <td>Jeans</td> <td>Chambrays</td> <td>Coverts</td> <td>Duck</td> </tr> <tr> <td>Twills</td> <td>Cottonades</td> <td>Poplins</td> <td>Moleskins</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Whipcords</td> </tr> </table> <p>Note 1.--Includes work jackets with blanket lining made of cotton and not to exceed 50% of wool shoddy.</p>	Denim	Drills	Flannels	Corduroys	Jeans	Chambrays	Coverts	Duck	Twills	Cottonades	Poplins	Moleskins				Whipcords	<p>3</p>
Denim	Drills	Flannels	Corduroys															
Jeans	Chambrays	Coverts	Duck															
Twills	Cottonades	Poplins	Moleskins															
			Whipcords															

Addition)
o Reduction) Decision No. 61439

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