

ORIGINAL

Decision No. 61824

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 for Modification
 No. 209

SUPPLEMENTAL ORDER

By Decision No. 61599, dated February 28, 1961, the Commission amended Minimum Rate Tariff No. 2 so as to include noodles in commodity descriptions covering other macaroni products. We stated therein that where the only difference in products is whether an ingredient is noodles or one of the other noodle or macaroni products, such difference, standing alone, is not sufficient to warrant a difference in minimum rates.

It has been directed to our attention that the amendment to Minimum Rate Tariff No. 2, which was not in the form proposed by petitioner, includes noodle products, such as Chinese noodles, which do not have the same transportation characteristics as other prepared macaroni products. The order in said Decision No. 61599, therefore, is not consistent with the findings therein. In the circumstances, the ratings provided in said Decision No. 61599 will be canceled and ratings for noodles, prepared with cheese, meat, fish or vegetable ingredient as proposed by petitioner will be established and the ratings on macaroni, spaghetti and vermicelli will be restored.

Good cause appearing,

IT IS ORDERED:

1. That Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) is further amended to become effective May 27, 1961, Revised Page 37A, which revised page is attached hereto and by this reference made a part hereof.

2. That tariff publications required to be made by common carriers as a result of the order herein may be filed not earlier than the effective date hereof, to become effective on not less than five days' notice to the Commission and to the public, and that such tariff publication shall be made effective not later than May 27, 1961; and that tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be filed not earlier than the effective date of this order, and 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 minimum rate tariff pages incorporated in this order.

3. That common carriers, in establishing and maintaining the rates and charges 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 common carriers in publishing rates under the authority conferred in this ordering paragraph shall make reference in their schedules to the prior orders authorizing the long- and short-haul departures and to this order.

In all other respects the aforesaid 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 11th day of APRIL, 1961.

Robert W. Perry
 President

Robert L. Mitchell

E. J. Fox

George H. Brown

Fredrick B. Hallock
 Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
<p>* 320</p>	<p>CANNED GOODS in inner containers of earthenware, glass, or metal cans, in outer containers, viz.: boxes, fibreboard boxes or crates; or in metal cans in metal strapped bundles; or in bulk in the following containers: barrels, hogsheads, pipes, puncheons, tierces, casks, drums, half-barrels, quarter-barrels, sixth-barrels, eighth-barrels or kegs; not subject to Item No. 300, viz.:</p> <p>Beans and Pork, Breads, Brine, Broths, Butter, fruit, Butter, peanut (peanut paste), Buttermilk (not Casein), not powdered or flaked, Chili, ground, Chowders, Corn, Egg Yolk, Fish, cooked, pickled or preserved, with or without fruit or vegetable ingredients, Fish, Roe, cooked, pickled or preserved, Food, baby, consisting only of strained and chopped foods, Fruit (not fresh), crushed, Fruit (not dried, evaporated nor fresh), in liquid other than alcoholic liquor, Fruit Drink, consisting of concentrated fruit juice, water and fruit derivatives, not carbonated, Garlic, powdered, or garlic chips, Honey, Jam, Jelly, Juice, clam, Juice (not syrup) fruit, unfermented, artificial or natural, sweetened or unsweetened, Juice, tomato, Juice, vegetable, Macaroni, (prepared), with or without cheese, meat, or vegetable ingredients, Meats, cooked, cured or preserved, with or without cereal or vegetable ingredients, Milk, condensed, evaporated or sterilized, liquid, flavored or not flavored, Mince Meat, Molasses or Syrups, as described under the heading "Foodstuffs, Beverages or Beverage Preparations, Not Named in Other More Specific Groups" in the Western Classification, Noodles, (prepared) with cheese, meat, fish or vegetable ingredients, Oil, cooking, olive or salad, Olives, Onion, powdered, or onion chips, Paste, tomato, Pectin, fruit or vegetable,</p>	

