

ORIGINALDecision No. 62210

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. 223

OPINION AND ORDER

The Borden Company is a New Jersey corporation engaged in the manufacture and distribution of food products in the United States, including California. By petition filed May 12, 1961, it requests the establishment in Minimum Rate Tariff No. 2 of an exception rating of fourth class applicable to less-than-carload shipments of biscuit dough, prepared, other than frozen, subject to charges provided in Item 185 for temperature control service. The applicable minimum less-than-carload rating is second class as provided in Item 39780-B of Western Classification No. 77.

According to the petition, The Borden Company manufactures biscuit dough at its plant in Los Angeles and ships it in less-than-truckload and in truckload quantities to points throughout the state. As it is shipped by petitioner, biscuit dough is an uncooked biscuit packed in cylindrical containers in fibre cartons and weighs 15 pounds per shipping case. It has a density of 39.9 pounds per cubic foot and a wholesale value per pound of between 13.2 cents and 15.9 cents, depending upon the quantity purchased. The containers are of uniform size, may be placed on pallets for loading or stowage, and are of such size and weight as to be easily handled. During 1960, petitioner

shipped over 15 million pounds of biscuit dough within California without any claims for damage of the goods.

The ingredients of biscuit dough consist of wheat flour, water, shortening, baking powder, non-fat dry milk solids, sugar, and salt. All of said ingredients when shipped individually are subject to less-than-carload ratings of fourth class or 90 percent of fourth class. Those same ingredients, or similar ones, also comprise the ingredients of such competitive items as bread, biscuits, and toast, which articles are accorded less-than-carload ratings of fourth class. Petitioner points out that biscuits, prepared, have a substantially lower density and a greater value per pound than biscuit dough, prepared.

Apparently, biscuit dough requires some degree of temperature control that is not required of cooked biscuits and breads. Charges in addition to transportation rates are provided in Item 185 of Minimum Rate Tariff No. 2 for temperature control service. The proposed ratings would be subject to those charges.

After consideration, we find that a rating of fourth class is the just, reasonable, and nondiscriminatory minimum rating for the transportation of less-than-carload shipments of biscuit dough, prepared, other than frozen, subject to charges provided in Item 185 (Temperature Control Service) of Minimum Rate Tariff No. 2, and that a public hearing is not necessary.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is further amended by incorporating therein, to become effective August 12, 1961, Thirty-third Revised Page 5 and First Revised Page 37-C, which pages are attached hereto and hereby made a part hereof.

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 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 pages incorporated in this order.

3. Common carriers, in establishing and maintaining the exception rating authorized hereinabove, 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; such outstanding authorizations be and they are hereby modified only to the extent necessary to comply with this order; schedules containing the exception rating published under this authority shall make reference to 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.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of June, 1961.

[Signature]
President

[Signature]

[Signature]

[Signature]
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	Darse	652-654½
Chowders	320	Derrick Cranes	365
Citrus Fruit Juice		Derricks	365
Powders or Crystals	360	Dessert Preparations	360
Clamps	365	Disinfectants	730
Clamps, Disconnecting, Drilling, Drive or Gas Packing	365	Distillers' Grains	652-654½
Clay, Fire (M)	365	#Dough, biscuit, prepared	336
Clippings	652-654½	Drain Pipe Solvent	730
Cloth, abrasive	302	Dressing, Automobile Top (M)	377.5,723-726
Clothing, staple work	333	Dressing, rubber (M)	377.5,723-726
Clover	652-654½	Dressing, Salad	320
Coating, candy, other than chocolate	334-3/4	Dressing, shoe (M)	377.5,723-726
Coating, Chocolate	360	Drill Bitheads	365
Cocoa	360	Drink, fruit	320
Coconut, prepared	333.5	Drugs	395
Coffee	360	Dry Milk Solids	320
Coffee, extract of (condensed coffee), dry	334,360	Durra	652-654½
Coffee Substitutes	360	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	652-654 ^{1/2}
and cocoa	360,375	Elevator Dust	652-654 ^{1/2}
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	652-654 ^{1/2}
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	652-654 ^{1/2}
Compounds, anti-freeze (M)	377.5,723-726	Farina and Wheat Germ	652-654 ^{1/2}
Compounds, Bleaching,		Food, Animal	338,620-630,
Cleaning, Scouring,			652-654 ^{1/2}
Washing	334 ^{1/2} ,730	Feed, Barley Hay	652-654 ^{1/2}
Compounds, buffing or		Feed, Bean Straw (M)	652-654 ^{1/2}
polishing	334 ^{1/2}		

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

Addition, Decision No.

62210

EFFECTIVE AUGUST 12, 1961

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

Correction No. 11145

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
333.5	Coconut, prepared, Less carload ----- Carload: Minimum Weight 30,000 pounds -----	4 5
334	Coffee, extract of (condensed coffee), dry, Less carload -----	4
334 $\frac{1}{2}$	Compounds, buffing or polishing, not otherwise indexed by name in the Western Classification, including boat, floor, furniture or vehicle polish or wax. Less carload -----	4
334 $\frac{1}{2}$	Compounds, cleaning, scouring or washing, not otherwise indexed by name in the Western Classification, Less carload -----	4
334 $\frac{1}{2}$	Confectionery, Viz.: Candy coating, other than chocolate, Powder, icing, Less carload -----	4
335	Covers, hood, radiator, seat, spring, steering wheel, tire or top, cotton cloth, not fitted or formed, Less carload -----	3
#6 336	Dough, biscuit, prepared, other than frozen subject to Items Nos. 185 and 185-1, Less carload -----	4
337	Explosives, as described in and subject to the provisions of Item No. 520 of the Exception Sheet, Minimum Weight 20,000 pounds -----	3
338	Feed, animal, containing meat or fish or a mixture of meat or fish and cereals or vegetables, in metal cans in boxes, or in metal cans in metal strapped bundles or in crates, not subject to Item No. 300. Less carload ----- Carload: Minimum Weight 30,000 pounds ----- " " 36,000 " ----- " " 42,000 " ----- " " 45,000 " ----- (1) Not applicable to shipments which are subject to charges for temperature control service.	90% of 4 5 B C (1)D

339	Flour, prepared, edible, manufactured from one or more of the articles included in List 1 (Grain), Item No. 652, or Rice Flour, Bean Flour, or Potato Flour, with more than 40% but no more than 80% of other ingredients. Minimum Weight 10,000 pounds ----- " " 40,000 pounds -----	90% of 4 B
340	Flowers, fresh, cut, Less carload -----	1
# Addition) & Reduction) Decision No.		
62210		
EFFECTIVE AUGUST 12, 1961 Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 1146		