

62259

Decision No. _____

ORIGINAL

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

SUPPLEMENTAL OPINION AND ORDER

On May 8, 1961, there was sent to interested parties for study and comment a proposed tariff amendment suggested by the Commission's Transportation Division Rate Branch staff which would permit oral shipping instructions on multiple-lot shipments of whole grain, subject to confirmation in writing. The parties were informed by transmittal letter that, in the absence of objection or request for public hearing, consideration may be given to the issuance of an ex parte order revising the tariff in accordance with the staff recommendations. No objection or request for public hearing has been received. The staff proposal, as distributed on May 8, 1961, is received in evidence in this proceeding as Exhibit No. 0-4.

The staff proposal relates to Item No. 85 of Minimum Rate Tariff No. 2. This item contains specific provisions applicable to multiple-lot shipments. It provides, among other things, that prior to the transportation of a multiple-lot shipment written information shall be furnished to the carrier describing the kind and quantity of property constituting the shipment.

It appears from the staff exhibit that sales transactions of whole grain in bulk are commonly consummated by telephone. The highway carrier is then notified by telephone to make immediate pickup of the lot from the farm site or field. In such circumstances it is impracticable or impossible for the grain broker or dealer to furnish the carrier with the required written instructions prior to the transportation of the multiple-lot shipment. The tariff amendment recommended in the staff exhibit would permit transportation to be performed under such circumstances upon oral instructions to the carrier, subject to a written confirmation to be received within a period of two days of the date on which the initial pickup commences.

In the circumstances, it appears, and the Commission finds, that the modifications in the minimum rates as proposed in Exhibit No. 0-4 in this proceeding are justified, and that the minimum rates, rules and regulations as so modified are and will be just, reasonable and nondiscriminatory minimum rates for the transportation of whole grain in bulk. Minimum Rate Tariff No. 2 will be revised accordingly. This is a matter in which a public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED THAT:

(1) Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective August 19, 1961, Twenty-fourth Revised Page 3, Fifth Revised Page 16-A and Original Page 16-B, which revised pages are attached hereto and by this reference made a part hereof.

(2) Common carriers, in establishing and maintaining the minimum rates, charges, rules and regulations 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; that such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and that schedules containing the minimum rates, charges, rules and regulations published under this authority shall make reference to the prior orders authorizing long-and-short haul departures and to this order.

(3) 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 minimum rate tariff pages incorporated in 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 July, 1961.

Charles A. Ray
President
E. J. Doherty
E. J. Fox
George G. Grover
Frederick B. Hallock
Commissioners

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Cancels

Twenty-third Revised Page 3

MINIMUM RATE TARIFF NO. 2

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* Change)
Addition)

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EFFECTIVE AUGUST 19, 1961

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

Correction No. 1147

Cancels

| Item No. | SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued) |
|-------------|--|
| *85 | <p data-bbox="546 430 1186 468" style="text-align: center;">(1) SHIPMENTS TRANSPORTED IN MULTIPLE LOTS</p> <p data-bbox="343 498 1417 624">(a) When a carrier does not pick up an entire shipment, including a split delivery shipment and a split pickup shipment at one time, the following provisions shall apply in addition to other applicable rules and regulations:</p> <ol data-bbox="434 642 1447 1917" style="list-style-type: none"> <li data-bbox="434 642 1356 708">1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup. <li data-bbox="434 720 1447 977">2. The carrier shall not transport a multiple lot shipment unless prior to or at the time of the initial pickup, written information has been received from the consignor describing the kind and quantity of property which will constitute the multiple lot shipment. Preparation by the shipper of the required single multiple lot document for the entire shipment, referred to in paragraph 3 of this item, for execution by the shipper and carrier prior to or at the time of initial pickup, will constitute compliance with this paragraph. <li data-bbox="434 977 1334 1413">3. At the time of or prior to the initial pickup, the carrier shall issue to the consignor a single multiple lot document for the entire shipment. It shall show the name of the consignor, point of origin, date of the initial pickup, name of the consignee (or consignees), point of destination (or points of destinations), and the kind and quantity of property. In addition, a shipping document (see Item No. 255) shall be issued for each pickup (including the initial pickup) which shall give reference to the single multiple lot document governing the entire shipment, by its date and number (if assigned a number), the name of the consignor, and such other information as may be necessary to clearly identify the single multiple lot document. <li data-bbox="434 1443 1285 1632">4. The entire shipment shall be picked up by the carrier within a period of two days computed from 12:01 a.m. of the date on which the initial pickup commences, excluding Saturdays, Sundays and legal holidays. Exception: Split pickup shipments must be picked up during one calendar day. <li data-bbox="434 1663 1364 1917">5. The separate pickups made in accordance with the foregoing provisions shall constitute a composite shipment which shall be subject to the rates named or provided for in this tariff, including Items Nos. 200, 210, 220 and 230, in effect on the date of the first pickup, for the transportation of a single shipment of like kind and quantity of property picked up or transported on a single vehicle or connected train of vehicles. <p data-bbox="332 1947 1405 2144">(b) If any of the property described in the single multiple lot document is picked up without complying with the foregoing provisions, each such pickup shall be rated as a separate shipment under other provisions of this tariff. The property picked up in accordance with the provisions of paragraph (a) hereof shall constitute the multiple lot shipment.</p> <p data-bbox="513 2162 1301 2323">*(1) Will not apply to field pickup shipments of grain or rice (see paragraph (2) of Item No. 653$\frac{1}{2}$), nor to multiple lot shipments of whole grain in bulk when transported under the provisions of Item No. 86.</p> |

* Change)
Addition)

Decision No.

62259

EFFECTIVE AUGUST 19, 1961

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1148

- 16-A -

| Item No. | SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued) |
|----------|--|
| #86 | <p data-bbox="520 356 1098 394">SHIPMENTS TRANSPORTED IN MULTIPLE LOTS</p> <p data-bbox="487 420 1148 649">(Applicable only in connection with whole grain in bulk as described in List No. 1 of Item No. 652, other than field pickup shipments, when the point of origin is a farm site or a single field (See Note 1), in quantities subject to rates based on a minimum weight of 40,000 pounds or more).</p> <p data-bbox="289 675 1412 866">(a) When a carrier is unable to pickup an entire shipment at one time, or when more than one vehicle, or connected train of vehicles, are used to pick up the entire shipment, and written information as required in paragraph (a)2 of Item No. 85 has not been received by the carrier prior to or at the time of the initial pickup, the following provisions shall apply in addition to other applicable rules and regulations:</p> <ol style="list-style-type: none"><li data-bbox="289 891 1305 955">1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup.<li data-bbox="289 980 1395 1146">2. Written confirmation of oral shipping instructions shall be received from the consignor, within a period of two calendar days of the date on which the initial pickup commences (excluding Saturdays, Sundays and legal holidays), describing the kind and quantity of property which will constitute the multiple lot shipment.<li data-bbox="289 1172 1445 1528">3. Within two calendar days (excluding Saturdays, Sundays and legal holidays) from the time it receives the written confirmation from the consignor, the carrier shall issue to the consignor a single multiple lot document for the entire shipment. It shall show the name of the consignor, point of origin, date of initial pickup, name of consignee, point of destination, and the kind of quantity of property. In addition, a shipping document (see Item No. 255) shall be issued for each pickup (including the initial pickup) which shall give reference to the single multiple lot document governing the entire shipment, by its date and number (if assigned a number), the name of the consignor, and such other information as may be necessary to clearly identify the single multiple lot document.<li data-bbox="289 1554 1412 1694">4. The entire shipment shall be picked up by the carrier within a period of two calendar days computed from 12:01 a.m. of the date on which the initial pickup commences, excluding Saturdays, Sundays and legal holidays.<li data-bbox="289 1719 1395 1885">5. Not more than one unit of equipment shall be used for each multiple of 40,000 pounds of whole grain transported in the multiple lot shipment. A unit of equipment shall be deemed to be any vehicle or combination of vehicles as described in Item No. 10 propelled by the use of a single motor truck or single other self-propelled highway vehicle.<li data-bbox="289 1911 1428 2102">6. The separate pickups made in accordance with the foregoing provisions shall constitute a composite shipment which shall be subject to the rates named in this tariff, in effect on the date of the first pickup, for the transportation of a single shipment of like kind and quantity of property picked up or transported on a single vehicle or connected train of vehicles.<li data-bbox="289 2127 1371 2229">7. The provisions of this item will not apply in connection with shipments subject to the provisions of Items Nos. 160, 170, 200, 210, 220 and 230. |

(b) Except as otherwise provided in Item No. 85, if any of the property described in the single multiple lot document is picked up without complying with the foregoing provisions, each such pickup shall be rated as a separate shipment under other provisions of this tariff. The property picked up in accordance with the provisions of Paragraph (a) hereof shall constitute the multiple lot shipment.

Note 1.-A farm site or single field is that area devoted exclusively to the production of grain as described in List No. 1 of Item No. 652. In no event shall such field or farm site exceed 1 section (640 acres).

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| # Addition |) | Decision No. | 62259 |
| o Reduction | | | |

EFFECTIVE AUGUST 19, 1961

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 11149