

C. 5438 - bjc

ORIGINAL

Decision No. ~~62976~~

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 ) Case No. 5438  
of fresh or green fruits and vegetables )  
and related items (commodities for which )  
rates are provided in Minimum Rate )  
Tariff No. 8). )

SUPPLEMENTAL OPINION AND ORDER

On October 27, 1961, there was sent to interested parties for study and comment a report prepared by the Commission's Transportation Division Rate Branch staff. The report recommended changes in the provisions of Minimum Rate Tariff No. 8 to revise the container description for orange and lemon boxes and to provide a specified gross weight for grapefruit when packed in a standard container. A transmittal letter informed the parties 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 minimum rate tariff in accordance with the staff recommendations.

Written comments were received from Sunkist Growers and from California Trucking Associations, Inc. Both organizations endorse the staff recommendations and urge that the suggested tariff changes be made by ex parte order. No objections or requests for public hearing have been received.

The staff proposal, as distributed on October 27, 1961, is received in evidence in this proceeding as Exhibit No. E-3. The letter comments from Sunkist Growers and California Trucking Associations, Inc., are received in evidence together as Exhibit No. E-4.

In the circumstances, it appears, and the Commission finds, that the modifications in the minimum rates as proposed in Exhibit No. E-3 in this proceeding are reasonable, and the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation of oranges, lemons and grapefruit in the containers specified. Minimum Rate Tariff No. 8 will be revised accordingly. This is a matter in which a public hearing is not necessary. ✓

Good cause appearing,

IT IS ORDERED that:

(1) Minimum Rate Tariff No. 8 (Appendix "C" to Decision No. 33977, as amended) is hereby further amended by incorporating therein, to become effective February 3, 1962, Fifth Revised Page 9, which revised page is attached hereto and by this reference 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 minimum rate tariff page incorporated in this order.


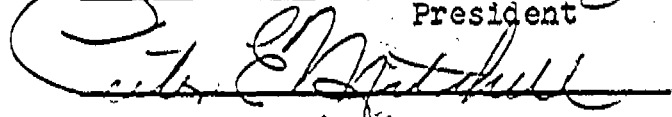
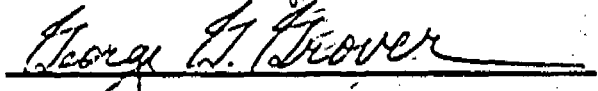
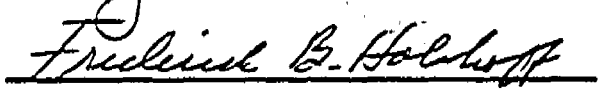
(3) Common carriers in establishing the minimum rates, charges, rules and regulations authorized hereinabove, are hereby authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California and Section 460 of the Public Utilities Code to the extent necessary 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.

In all other respects, the aforesaid Decision No. 33977, 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 27th day of December, 1961.

  
President  
  
  
  
Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

| Item<br>No.   | SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL<br>APPLICATION (Continued)  |   |  |
|---|--|---|--|
|   | <p style="text-align: center;">GROSS WEIGHT</p> <p>(a) Charges shall be assessed on the gross weight of the shipment, including container icing, if any. No allowance shall be made for the weight of containers. (See Exceptions 1 and 2)</p> <p>(b) In connection with shipments weighing 20,000 pounds or more, transported for distance in excess of 50 constructive miles, the actual gross weight of the shipments shall be confirmed by a public weighmaster's certificate, which shall be obtained by the carrier prior to or at the time of unloading.</p> <p>(c) When the carrier obtains a public weighmaster's certificate, charges shall be based on the weight of the commodities as confirmed by the public weighmaster's certificate. The original and duplicate copy of the public weighmaster's certificate shall be affixed to the shipper's and carrier's copy of the freight bill (See Item No. 255), respectively.</p> <p>EXCEPTION 1: On shipments containing exclusively the commodities provided below, charges shall be assessed on the gross weight as follows:</p> <p>(a) ONIONS, BEETS, TURNIPS, RUTABAGAS, PARSNIPS, CARROTS AND POTATOES</p> <table border="0"> <tr> <td style="vertical-align: top;"> <p>*60</p> <p>When Packed and Invoiced as:</p> <p>10 Pounds per Sack</p> <p>15 Pounds per Sack</p> <p>25 Pounds per Sack</p> <p>50 Pounds per Sack</p> <p>100 Pounds per Sack</p> <p>5-10 Pounds Consumer Paper<br/>Bags per Sack</p> </td><td style="vertical-align: top;"> <p>Charges shall be assessed on<br/>Gross Weight per Package of:</p> <p>10½ Pounds per Sack</p> <p>15½ Pounds per Sack</p> <p>25½ Pounds per Sack</p> <p>50½ Pounds per Sack</p> <p>101 Pounds per Sack</p> <p>51½ Pounds per Sack</p> </td></tr> </table> <p>(b) ORANGES or LEMONS when packed in standard ** orange or lemon box with inside depth, width and length dimensions of 10½ x 10-11/16 x 16-3/8", identified as container 58 in Section 828.83 of Agricultural Code of California, charges shall be assessed on the gross weights as follows:</p> <p style="margin-left: 40px;">ORANGES - 39½ lbs. per box</p> <p style="margin-left: 40px;">LEMONS - 40 lbs. per box</p> <p>(c) GRAPEFRUIT when packed in standard grapefruit box with inside depth, width and length dimensions of 9-3/4 x 10-11/16 x 16-3/8", identified as container 59 in Section 828.83 of Agricultural Code of California, charges shall be assessed on the gross weight of 35-1/2 lbs. per box.</p> <p>EXCEPTION 2: When palletized shipments subject to minimum weights of 18,000 pounds or more are loaded or unloaded with power equipment, the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall not be used in determining the weight of the shipment nor the charges thereon. This exception applies only in connection with rates contained in this tariff, and is not applicable to shipments of empty pallets. When rail rates are used under provisions of Items Nos. 210 and 220 through 240 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.</p> | <p>*60</p> <p>When Packed and Invoiced as:</p> <p>10 Pounds per Sack</p> <p>15 Pounds per Sack</p> <p>25 Pounds per Sack</p> <p>50 Pounds per Sack</p> <p>100 Pounds per Sack</p> <p>5-10 Pounds Consumer Paper<br/>Bags per Sack</p> | <p>Charges shall be assessed on<br/>Gross Weight per Package of:</p> <p>10½ Pounds per Sack</p> <p>15½ Pounds per Sack</p> <p>25½ Pounds per Sack</p> <p>50½ Pounds per Sack</p> <p>101 Pounds per Sack</p> <p>51½ Pounds per Sack</p> |
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UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES

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Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.

RATES BASED ON VARYING MINIMUM WEIGHTS

70

When charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter shall apply. For the purpose of applying this item to a mixed shipment, deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated commodity in the shipment.

\* Change

\*\* "One-half" eliminated

# Addition

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EFFECTIVE FEBRUARY 3, 1962

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

Correction No. 258