

Decision No. 63211

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the investigation)	
into the rates, rules and regulations,)	
charges, allowances and practices of)	
all common carriers, highway carriers)	
and city carriers relating to the)	Case No. 5432
transportation of any and all com-)	Petitions for Modification
modities between and within all points)	Nos. 245 and 246
and places in the State of California)	(Filed December 18, 1961)
(including, but not limited to,)	
transportation for which rates are)	
provided in Minimum Rate Tariff No. 2).)	

SUPPLEMENTAL OPINION AND ORDER

By these petitions, The Borden Company, Western Division, and Foremost Dairies, Inc., seek the addition of "Milk food, other than malted, liquid in metal cans in boxes" to the list of Canned Goods in Item No. 320 of Minimum Rate Tariff No. 2.

Petitioners state that each of them is currently manufacturing a new product which is subject to the bill of lading description of milk food, other than malted milk, liquid and to a third class less than carload rating under the provisions of the Western Classification. Petitioners assert that products shipped under the description sought to be added have transportation characteristics similar to canned evaporated and condensed milk and other milk products already included in the list of canned goods; and that they are manufactured, distributed and shipped in mixed shipments with such milk products. It is alleged that the sought commodity description is already included with canned goods in both inter- and intrastate rail tariffs and in certain interstate truck tariffs. It is also pointed out that the commodity milk food, other than malted, other than liquid, previously subject to a second class less

than carload rating in the Western Classification, is currently subject to a fourth class rating in Minimum Rate Tariff No. 2. Because of the fact that milk food, other than malted, liquid is subject to a lower rating in the Western Classification than milk food, other than malted, other than liquid, petitioners assert that it is reasonable to have the former commodity subject to a lower exception rating (90% of 4th class) in Minimum Rate Tariff No. 2 than the latter.

On or about December 15, 1961, copies of the instant petitions were mailed to interested parties, including the California Trucking Associations, Inc. That association, by letter dated December 27, 1961, advised the Commission that it has no objection to the granting of the proposals.

In the circumstances, it appears, and the Commission finds, that petitioners' proposals are reasonable, and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation of milk food, other than malted, liquid in metal cans in boxes. These are matters in which a public hearing is not necessary. The petitions will be granted.

Inherent in the petitions is relief from the long- and short-haul provisions of Article XII, Section 21, of the Constitution of the State of California, and Section 460 of the Public Utilities Code, in order to permit the application of the sought rating to rates which are nonintermediate in application. For the reasons that departures from the above statutory provisions were authorized for the rates, like authority is justified for application of the exception rating. Such authority will be granted.

Good cause appearing,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective March 17, 1962, Twenty-second Revised Page 6, Twenty-ninth Revised Page 7 and Twelfth Revised Page 37-A, which revised pages are 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 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 are hereby modified only to the extent necessary to comply with this order; and schedules containing the exception rating published under this authority shall make reference to the prior orders authorizing the 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 16th day of
FEBRUARY _____, 1962.

Carol Hill Page
President
John H. Schull
C. Lynn Fox
George G. Grover
Frederick B. Holbrook
Commissioners

INDEX OF COMMODITIES (Continued)			
COMMODITY	Item Number	COMMODITY	Item Number
Feed, Clover	652-654½	Glucose	360
Feed, Gluten	652-654½	Glycerine, unmedicated	395
Feed, Mill	652-654½	Grain Products, as described	652-654½
Feed, Poultry	652-654½	Grain	652-654½
Feed, Sorghum (M)	652-654½	Grains, Brewers'	652-654½
Feed, Soybean Mill	652-654½	Grains, Distillers'	652-654½
Feterita	652-654½	Grass, Sudan	652-654½
Film, cellulose	332	Grass, Water	652-654½
Fire Brick (M)	365	Grate Bars	365
Fire Clay (M)	365	Grips	365
Fish, cooked, pickled or preserved	320,345	Grit	652-654½
Fish, other than fresh or frozen	360	Grits	652-654½
Fish Roe	320	Groats	652-654½
Fittings, Iron or Steel Pipe	365,378	Guides, Wire Line	365
Flakes, Brewers'	652-654½	Gum, Chewing	360
Flakes, Hominy	652-654½	Handles, wooden	365
Flavoring Compounds	360	Hay	355,658
Flaxseed	652-654½	Heads, Control Casing, Drive Pipe or Casing	365
Flour, Bean	339,652-654½	Hegari	652-654½
Flour, Blood	652-654½	Higera	652-654½
Flour, Grain	339,652-654½	Hominy	320,652-654½
Flour, Potato	339,652-654½	Hominy Flakes	652-654½
Flour, Prepared	339,652-654½	Honey	320-360
Flour, Rice-	339,652-654½	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	652-654½
Fondant, Candy	360	Hulls, cottonseed	652-654½
Food, Baby	320	Hulls, Rice	652-654½
Food, Cereal	360	Hulls, safflower seed	652-654½
Food, Infants' or Invalids'	360	Hulls, sunflower seed	652-654½
#Food, Milk, other than malted, liquid	320	Hydrogen Peroxide	385
#Food, Milk, other than liquid, other than malted milk	375	Ice Cream	370
Food Preparations, Cereal	360	Icings	360
Foodstuffs for human consumption	345,620-630	Insecticides (M)	377.5,723-726
Forges	365	Iron, Plate or Sheet	365
Fruit(not dried, evaporated nor fresh)	320	Jacks, Oil Well Pumping	365
Fruit,candied,crystal-lized, glazed or stuffed	360	Jacks, Well Tool	365
Fruit, crushed	320	Jam	320
Fruit,dehydrated,dried or evaporated	350	Jelly	320
Fruit Drink	320	Joints, Rotary Tool and Sucker Rod	365
Fruit Juice Powders or Crystals, Citrus	360	Juice, Clam	320
		Juice, Fruit	320

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

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

Addition, Decision No. 65214

EFFECTIVE MARCH 17, 1962

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1217

INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Lime, Chlorinated	730	Meal, Velvet Bean	652-654½
Liners	365	Meat, other than fresh	360
Liners, Polished Rod	365	Meat Substitutes	360
Lines, Measuring	365	Meats, cooked, cured or preserved	320, 345
Links	365	Meats, fresh	376
Lipsticks, medicated (chap sticks)	395	Mechanics' Tools (M)	365
Liquids, cigar cr cigarette lighter (M)	377.5, 723-726	Medicines	395
Liquors, Malt	360	Middlings	652-654½
Liquors, Vinous	360	Military toilet kits	395
Lubricant, Grease Binder	377.5, 723-726	Milk (condensed, evaporated or sterilized), liquid	320
Lubricant, metal cutting, drawing or drilling (M)	377.5, 723-726	Milk and cocoa compound	375
Lumber	690, 700, 710	Milk, dried	345, 652-654½
Lye, Concentrated	730	#Milk Food, other than malted, liquid	320
Macaroni (M)	652-654½	Milk Food, other than liquid, other than malted milk	375
Macaroni, except canned	360	Milk, Malted	360, 375
Macaroni (prepared)	320, 360	Milk Solids, dry	345
Macaroni and Cheese	360	Milk, sour skim	652-654½
Machines, Oil Well Pulling	365	Milo Maize	652-654½
Machines, Rotary Drilling	365	Mince Meat	320
Maize	652-654½	Mix, Pizza Pie	345
Malt	652-654½	Mixtures, Mineral	652-654½
Malt, milk and cocoa compound	360, 375	Molasses	320, 652-654½
Malt Sprouts	652-654½	Molasses, Blackstrap	652-654½
Malted milk	360, 375	Molasses, Beet Sugar Final	652-654½
Margarine (M)	315, 605	Molasses, Corn Sugar Final. (Hydrol)	652-654½
Mash	652-654½	Monoglycerides of Fat-forming Acids	360, 730
Meal, Alfalfa	652-654½	Mud Mixer Parts	365
Meal, Babassu Nut	652-654½	Mustard	360
Meal, Bean Straw	652-654½	Mustard (prepared)	320
Meal, Bone	652-654½	Noodles (prepared)	320, 360
Meal, Blood	652-654½	Noodles, except canned	360
Meal, Clover	652-654½	Noodles (M)	652-654½
Meal, Clover, ground	652-654½	Nuts, edible, shelled	360
Meal, Coconut	652-654½	Oats	652-654½
Meal, Copra	652-654½	Oats, rolled	652-654½
Meal, Corn Germ	652-654½	Offal	652-654½
Meal, Corn Oil (M)	652-654½	Offal, Wheat Cereal	652-654½
Meal, dried Fruit Seed	652-654½	Oil, cooking	320, 730
Meal, Feather	652-654½	Oil, Fish (M)	652-654½
Meal, Fish	652-654½	Oil, Olive	320
Meal, Flaxseed	652-654½	Oil (other than medicinal) (M)	377.5, 723-726
Meal, Fruit pomace	652-654½	Oil, petroleum medicinal (M)	377.5, 723-726
Meal, Gluten	652-654½		
Meal (Grain)	652-654½		
Meal, Grass, dehydrated	652-654½		
Meal, Hemp Seed	652-654½		
Meal, Hull or Shell Nut	652-654½		

Meal, Kapok Seed	652-654 $\frac{1}{2}$	Oil, Salad	320
Meal, Linseed	652-654 $\frac{1}{2}$	Olives	320
Meal, Meat	652-654 $\frac{1}{2}$	Onion Chips	320
Meal, Mesquite (M)	652-654 $\frac{1}{2}$	Onion, Powdered	320
Meal, Molasses	652-654 $\frac{1}{2}$	Outfits, insect	
Meal, Oil Cake	652-654 $\frac{1}{2}$	destroying (M)	377.5, 723-726
Meal, Palm	652-654 $\frac{1}{2}$	Outfits, Oil, Water or	
Meal, Palm Kernel	652-654 $\frac{1}{2}$	Gas Well	365
Meal, Peanut	652-654 $\frac{1}{2}$	Outfits, Wire Line	
Meal, Perilla	652-654 $\frac{1}{2}$	Pumping	365
Meal, Perilla Seed	652-654 $\frac{1}{2}$		
Meal, Rape Seed	652-654 $\frac{1}{2}$	Packers	365
Meal, Rice	652-654 $\frac{1}{2}$	Paint, asphaltic (M)	377.5, 723-726
Meal, Safflower Seed	652-654 $\frac{1}{2}$	Paint, liquid (M)	377.5, 723-726
Meal, Sesame Seed	652-654 $\frac{1}{2}$	Paint, liquid or paste	377
Meal, Soya Bean	652-654 $\frac{1}{2}$	Paper, abrasive	302
Meal, Sunflower Seed	652-654 $\frac{1}{2}$	Paper, emery	302
Meal, Tomato Pomace	652-654 $\frac{1}{2}$	Parts, Boiler (M)	365
Meal, Tucum Nut	652-654 $\frac{1}{2}$	Parts, Mud Mixer	360
Meal, Vegetable	652-654 $\frac{1}{2}$	Paste, Alimentary	360
		Paste, Confectioners'	360
		Paste, Tomato	320
		Peanut Butter	320
		Peanut Spread	320

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

Addition, Decision No. 63214

EFFECTIVE MARCH 17, 1962

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

Correction No. 1218

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
*320	<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, Hominy, 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, Milk Food, other than malted, liquid, 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,</p>	

Onion, powdered, or onion chips,
 Paste, tomato,
 Peanut Spread,
 Pectin, fruit or vegetable,
 Pickles (Cauliflower, Cucumber, Dill Weed,
 Kraut, Mangoes, Onions and Tomato),
 Pie Preparations (fruit in syrup or in paste form
 compounded with flour or sugar and flavored),
 Pimentos (canned peppers),
 Puddings,
 Pulp, fruit or vegetable,
 Puree, tomato,
 Ravioli (prepared), with or without cheese, meat
 or vegetable ingredients,
 Rice-and-milk, cooked,
 Sandwich Spreads, including cheese spreads,
 Sausage,
 Sausage Casings, pickled or salted,
 Soups,
 Spaghetti (prepared), with or without cheese,
 meat or vegetable ingredients,
 Table Sauces, including Catsup, Prepared
 Horseradish, Prepared Mustard, Pepper Sauce
 or Salad Dressing,
 Vegetables (not dehydrated, dried, evaporated
 nor fresh),
 Vermicelli (prepared), with or without cheese,
 meat or vegetable ingredients,
 Vinegar,
 Welsh Rarebit,

Less than carload -----	
Carload,	
Minimum Weight 30,000 pounds -----	
" " 36,000 " -----	
" " 42,000 " -----	
" " 45,000 " -----	

90% of 4

5
 B
 C
 (1)D

(1) Not applicable to shipments which
 are subject to charges for tempera-
 ture control service.

* Change)	
# Addition)	Decision No. 63214
o Reduction)	

EFFECTIVE MARCH 17, 1962

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