

ORIGINAL

Decision No. 63339

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. 247)
(Filed December 29, 1961)

OPINION AND ORDER

By this petition American Home Foods, Division of American Home Products Corporation, requests the modification of Item No. 345, naming exception ratings on foodstuffs for human consumption, so as to include:

"Noodles and Cheese, with sauce, in combined packages in boxes (not less than 55 percent of the gross weight of the combined packages shall be that of the ingredients named, in metal cans)."

Petitioner is planning to introduce a new product called a "Lasagna Dinner" consisting of unprepared noodles, sauce and grated cheese. A six ounce fibreboard package would contain the noodles, a seventeen ounce metal can, the sauce, and a one ounce can, the grated cheese. All of the component parts are to be included in a single package and twelve of such packages will be placed in a fibreboard box for shipping. The density of the article in its shipping form is 28 pounds per cubic foot and the value is 25 cents per pound.

At present, the exception ratings in Item 345 apply on:

"Spaghetti and cheese, with sauce, in combined packages in boxes (not less than 55 percent of the gross weight of the combined packages shall be that of ingredients named, in metal cans)."

Petitioner manufactures and ships "Spaghetti Dinners" which are subject to the ratings in Item 345. That product is the same as the "Lasagna Dinner" except that the former contains an eight ounce package of unprepared spaghetti, whereas the latter would contain a six ounce package of unprepared noodles. The transportation characteristics of the two articles are virtually the same except that the ingredients in metal cans in the "Spaghetti Dinner" constitute 57 percent of the gross weight of the package, whereas the canned portion of the "Lasagna Dinner" comprises 75 percent of the gross weight.

Spaghetti and lasagne are similar products, the technical difference arises from the definitions contained in the Federal Food, Drug and Cosmetic Act. Both are noodle products; however, spaghetti is a noodle product which is cord-shaped, noodles is the noodle product which is ribbon-shaped (as is lasagne), and macaroni is the noodle product which is tube-shaped. We find that the exception ratings on spaghetti and cheese set forth in Item 345 in Minimum Rate Tariff No. 2 are reasonable for the application of minimum rates to the transportation of noodles and cheese subject to the same limitations and conditions.

No one has opposed the granting of this petition. A public hearing is not necessary, therefore,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) be and it is further amended by incorporating therein, to become effective April 14, 1962, Thirtieth Revised Page 7 and First Revised Page 37-D, which pages are attached hereto and by this reference made a part hereof.

2. 'Tariff publications' of common carriers which are authorized 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 ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the change in the minimum rate tariff herein involved.

3. 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 26th day of FEBRUARY, 1962.

Robert W. Page
President
W. E. ...
E. ...
Frederick B. ...

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

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 or 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 Final	652-654½
Malted milk	360, 375	Molasses, Beet Sugar Final (Hydrol)	652-654½
Margarine (M)	315, 605	Monoglycerides of Fat-forming Acids	360, 730
Mash	652-654½	Mud Mixer Parts	365
Meal, Alfalfa	652-654½	Mustard	360
Meal, Babassu Nut	652-654½	Mustard (prepared)	320
Meal, Bean Straw	652-654½	Noodles, except canned	360
Meal, Bone	652-654½	Noodles (M)	652-654½
Meal, Blood	652-654½	Noodles (prepared)	320, 360
Meal, Clover	652-654½	Noodles and Cheese	345
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 destroying (M)	377.5, 723-726
Meal, Oil Cake	652-654 $\frac{1}{2}$	Outfits, Oil, Water or Gas Well	365
Meal, Palm	652-654 $\frac{1}{2}$	Outfits, Wire Line Pumping	365
Meal, Palm Kernel	652-654 $\frac{1}{2}$	Packers	365
Meal, Peanut	652-654 $\frac{1}{2}$	Paint, asphaltic (M)	377.5, 723-726
Meal, Perilla	652-654 $\frac{1}{2}$	Paint, liquid (M)	377.5, 723-726
Meal, Perilla Seed	652-654 $\frac{1}{2}$	Paint, liquid or paste	377
Meal, Rape Seed	652-654 $\frac{1}{2}$	Paper, abrasive	302
Meal, Rice	652-654 $\frac{1}{2}$	Paper, emery	302
Meal, Safflower Seed	652-654 $\frac{1}{2}$	Parts, Boiler (M)	365
Meal, Sesame Seed	652-654 $\frac{1}{2}$	Parts, Mud Mixer	360
Meal, Soya Bean	652-654 $\frac{1}{2}$	Paste, Alimentary	360
Meal, Sunflower Seed	652-654 $\frac{1}{2}$	Paste, Confectioners'	360
Meal, Tomato Pomace	652-654 $\frac{1}{2}$	Paste, Tomato	320
Meal, Tucoum Nut	652-654 $\frac{1}{2}$	Peanut Butter	320
Meal, Vegetable	652-654 $\frac{1}{2}$	Peanut Spread	320

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

Addition, Decision No.

63339

EFFECTIVE APRIL 14, 1962

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

Correction No. 1225

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
*345	<p>FOODSTUFFS FOR HUMAN CONSUMPTION, VIZ.:</p> <p>Fish, cooked, pickled or preserved, with or without fruit or vegetable ingredients, in bulk in boxes,</p> <p>Meats, cooked, cured or preserved, with or without cereal or vegetable ingredients, in bulk in crates or boxes,</p> <p>Milk (not malted), Buttermilk (not casein), Dry Milk Solids, powdered or flaked, or Whey, condensed or powdered, in inner containers of earthenware, glass, metal cans or packages, in outer containers of boxes; or in bulk in barrels, fibre cans, boxes, double bags or multiple-wall paper bags,</p> <p>Pizza Pie Mix, consisting of flour, yeast and sauce with or without cheese, in combined packages in boxes (not less than 55 percent of the gross weight of the combined packages shall be that of the ingredients named, in metal cans),</p> <p>Sandwich Spreads, including cheese spreads, in paper cartons in boxes,</p> <p>Spaghetti and Cheese #6cr Noodles and Cheese, with sauce, in combined packages in boxes (not less than 55 percent of the gross weight of the combined packages shall be that of the ingredients named, in metal cans),</p> <p>Less carload -----</p> <p>Carload:</p> <p>Minimum Weight 30,000 Pounds -----</p> <p>Minimum Weight 36,000 Pounds -----</p> <p>Minimum Weight 42,000 Pounds -----</p> <p>Minimum Weight 45,000 Pounds -----</p> <p>(1) Not applicable to shipments which are subject to charges for temperature control service.</p> <p>Not subject to Item No. 300, see Note 1.</p> <p>NOTE 1.--(a) Rates or ratings applicable on shipments in boxes will apply also to such shipments in fibreboard boxes in metal strapped bundles or crates.</p> <p>(b) Rates or ratings applicable to shipments in barrels will apply also to such shipments in hogsheads, pipes, puncheons, tierces, casks, drums, half-barrels, quarter-barrels, sixth-barrels, eighth-barrels or kegs.</p>	<p>90% of 4</p> <p>5</p> <p>B</p> <p>C</p> <p>(1)D</p>

350	Fruit, Dehydrated, Dried or Evaporated, as described under that heading in the Western Classification. (See Item No. 40) Less carload _____ Carload: Minimum Weight 30,000 pounds _____ Minimum Weight 42,000 pounds _____	90% of 4 5 C			
355	Hay, Fodder, bean, cane, corn or pea, Leaves, cactus, dried, Straw, In Machine Pressed Bales: Less carload _____ Carload: Minimum Weight 30,000 pounds _____ Minimum Weight 40,000 pounds _____ (1) Subject to Note 1 of Item No. 658. (2) Not applicable to the transportation of hay between points for which rates are provided in Item No. 658. NOTE-Except as provided in paragraphs (d) and (e) of Note 1 of Item No. 658, one stop in transit for inspection and/or receipt of delivery instructions will be permitted in connection with each shipment, subject to a free time allowance of one hour for the stop. Charges for time in excess of one hour for the stop shall be assessed in accordance with the provisions of Items Nos. 140 and 145. Distances shall be computed via the transit point.	 (1)4 (1)C (1)(2)D			
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