

ORIGINAL

Decision No. 63577

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 car-
 riers 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. 236)

T. W. Curley, for Swift & Company, petitioner.
R. D. Toll, A. D. Poe and J. X. Quintrall, for
 California Trucking Associations, interested
 party.
Robert E. Walker, for the Commission staff.

O P I N I O N

Item No. 345 of Minimum Rate Tariff No. 2 provides
 exception classification ratings¹ on various commodities under the
 generic heading of "Foodstuffs for Human Consumption". Among the
 entries so listed is that of "Meats, cooked, cured or preserved,
 with or without cereal or vegetable ingredients, in bulk in crates
 or boxes". By Petition for Modification No. 236, as amended, in
 this proceeding, Swift & Company requests the amendment of the
 above-quoted entry by the addition of the words, "or inner con-
 tainers or packages in boxes or crates".

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The ratings in question are 90 percent of fourth class, for less-
 than-carload shipments, and fifth class, classes B, C and D, sub-
 ject to minimum weights of 30,000, 36,000, 42,000 and 45,000 pounds,
 respectively, for carload shipments.

Public hearing of the petition was held before Examiner Carter R. Bishop at San Francisco on December 18, 1961. Evidence in support of the proposal was offered by petitioner's transportation manager. A representative of California Trucking Associations and a member of the Commission's Rate Branch staff assisted in the development of the record through examination of the witness.

The record discloses that while there is still some movement of the cooked, cured or preserved meats in bulk, the great majority of shipments are transported in so-called consumer-type packages, that is, of relatively small quantities of meat enclosed in cellophane wrappers. These inner containers are then packed in boxes or crates for shipment. According to the record, the wrapping of the meats insures cleanliness, conserves flavor and reduces the possibility of damage in transit. It was for the purpose of bringing the above commodity description into conformity with current shipping practices, the witness testified, that the instant petition was filed.

The ratings presently applicable to shipments of cooked, cured or preserved meats packed as herein sought are fourth class, less-than-carload, and fifth class, minimum weight 30,000 pounds, in carloads. These ratings are set forth in Items Nos. 67890 and 67950 of Western Classification No. 77. Exception ratings the same as those sought herein for the meats when packed in inner containers or packages in boxes or crates are now provided, the record shows, in Item No. 320 of Minimum Rate Tariff No. 2, for such meats when shipped in inner containers of earthenware, glass or metal cans in boxes or crates. The latter entry is one of a large group of

foodstuffs listed under the generic heading of "Canned Goods", all of which commodities are subject to ratings the same as those now provided, in the item here in issue, for cooked, cured or preserved meats when shipped in bulk in crates or boxes.

According to the witness, the transportation characteristics of the meats, when packed as stated in the proposed amendment to Item No. 345, are highly favorable. The densities of these meats range from 27 to 60 pounds per cubic foot, which densities were said to be greater than for the meats when packed in bulk. According to the witness, his company has never had a damage claim on cooked, cured or preserved meats when packed for shipment in the modern containers involved herein.

The values of the meats in question, the record shows, range from 30 cents to 65 cents per pound. Assertedly, these values do not differ appreciably from those of the same meats when shipped in bulk in boxes or crates.

The volume of movement of the meats here in issue is substantial. According to the witness, his company alone ships at least 300,000 pounds per year between California points. Most of this movement is in less-than-carload quantities; some of it is in mixed carloads with fresh meats.

No one appeared in opposition to the granting of the petition. The representative of California Trucking Associations stated that the Association took no position with respect to the proposed minimum rate tariff change. However, he drew attention to the standards which were set up in Decision No. 61256, dated

December 28, 1960,² to govern the determination as to whether particular articles of food should or should not be included in the canned goods description in Minimum Rate Tariff No. 2.

Upon careful consideration, we hereby find that meats, cooked, cured or preserved, with or without vegetable ingredients, in inner containers or packages, other than those specified in Item No. 320, in boxes or crates, should be subject to the same exception classification ratings to which those meats are subject when shipped in bulk in boxes or crates. We further find that inclusion in Item No. 345 of the proposed commodity description, as hereinafter modified to avoid duplication of existing provisions in Item No. 320, will be consistent with the aforesaid policy set forth in Decision No. 61256. The petition will be granted.

O R D E R

Based upon the evidence of record and upon the findings and conclusions set forth in the preceding opinion,

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 June 2, 1962, Second Revised Page 37-D, which revised page is attached hereto and by this reference made a part hereof.

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In Petition for Modification No. 148, and a related matter, in Case No. 5432. The decision in question revised in various respects minimum rates, rules and regulations for the transportation of canned goods and certain other foodstuffs.

2. Tariff publications authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after 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 minimum rate tariff page incorporated in this order.

3. 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 17th day of April, 1962.

[Signature] President
[Signature]
[Signature]
[Signature] Commissioners

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

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
*345	FOODSTUFFS FOR HUMAN CONSUMPTION, VIZ.:	
	Fish, cooked, pickled or preserved, with or without fruit	
	or vegetable ingredients, in bulk in boxes,	
	Meats, cooked, cured or preserved, with or without cereal or	
	vegetable ingredients, in bulk, in crates or boxes, #60cr.in	
	inner containers or packages, other than those specified in	
	Item No. 320, in crates or boxes,	
	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,	
	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),	
	Sandwich Spreads, including cheese spreads, in paper cartons	
	in boxes,	
	Spaghetti and Cheese or 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),	
	Less carload -----	90% of 4
	Carload:	
	Minimum Weight 30,000 Pounds -----	5
	Minimum Weight 36,000 Pounds -----	B
	Minimum Weight 42,000 Pounds -----	C
	Minimum Weight 45,000 Pounds -----	(1)D
<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>		

350	<p>Fruit, Dehydrated, Dried or Evaporated, as described under that heading in the Western Classification. (See Item No. 40)</p> <p>Less carload _____</p> <p>Carload:</p> <p>Minimum Weight 30,000 pounds _____</p> <p>Minimum Weight 42,000 pounds _____</p>	<p>90% of 4</p> <p>5</p> <p>C</p>
355	<p>Hay, Fodder, bean, cane, corn or pea, Leaves, cactus, dried, Straw, In Machine Pressed Bales:</p> <p>Less carload _____</p> <p>Carload:</p> <p>Minimum Weight 30,000 pounds _____</p> <p>Minimum Weight 40,000 pounds _____</p> <p>(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.</p> <p>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.</p>	<p>(1)4</p> <p>(1)C</p> <p>(1)(2)D</p>
<p>* Change } # Addition } o Reduction }</p> <p>Decision No. , 63577</p>		
EFFECTIVE JUNE 2, 1962		
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 1226</p>		