

Decision No. 64105

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 commodi-)
ties 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. 257)

- Victor H. deLiniere, for The Reardon Co.,
petitioner.
- E. H. Curry, for Trucking Unlimited;
- W. N. Greenham, for Pacific Motor Trucking
Co.; respondents:
- R. D. Toll, J. X. Quintrall and A. D. Poe,
for California Trucking Associations, Inc.;
- Loren D. Olsen, for Kaiser Gypsum Company;
- Howard L. Frisbie, for U. S. Gypsum Co.;
- Clifford Worth, for Fibreboard Paper
Products Corp., interested parties.
- Henry E. Frank, for the Commission staff.

O P I N I O N

By this petition, filed March 8, 1962, The Reardon Company seeks the establishment in Minimum Rate Tariff No. 2 of reduced exception ratings governing the transportation of plaster-board joint system and certain related items.

Public hearing on the petition was held before Examiner William E. Turpen at San Francisco on May 8, 1962. Petitioner's general traffic manager presented evidence in support of the proposal. Representatives of other manufacturers of the products involved testified in support of the petition. Representatives of the Commission's staff and of the California Trucking Associations, Inc., assisted in developing the record.

The record shows that the plasterboard joint system (or compound) is a powder which when mixed with water forms a plastering compound usually used to fill the cracks between pieces of wallboard. The compound may be packaged with a small roll of special tape and/or an applicator. Petitioner's traffic manager testified that last year he requested the Western Classification Committee to change the ratings on plasterboard joint system from 3rd Class L.C.L., and Class A, minimum weight 30,000 pounds, to 4th Class L.C.L., and Class C, minimum weight 40,000. Petitioner was informed that approval of this Commission was necessary. Accordingly, petitioner filed this petition seeking the same reduced ratings. In the meantime the Western Classification Committee filed its Application No. 43600 proposing a number of classification changes, including that sought herein, except no change was sought in the 3rd Class L.C.L. rating. By Decision No. 63340, dated February 26, 1962, the sought change was approved. The reduced rating was published in Supplement 26 to the classification effective April 10, 1962. As a result of this action the only issue now before us is whether the L.C.L. rating of plasterboard joint system should be reduced from 3rd Class to 4th Class.

Petitioner's traffic manager introduced exhibits which compared the plasterboard joint system with other similar products used in the building trade which presently enjoy a 4th Class rating. Many of these other products are made from the same ingredients and some can be used interchangeably with plasterboard joint compound. The witness explained that "do-it-yourself" home fixers will use a product only for the specific use stated on the package, therefore almost identical products are packaged under different names. The various products, including the joint system, have density ranges of from 45 to 55 pounds per cubic foot, and values of from 7 to 14 cents per pound. In other respects the transportation characteristics

of the plasterboard joint system are highly favorable and claim payments for loss or damage have been negligible.

The witness testified that throughout most of the rest of the country the commodity here involved moves under commodity rates.

The evidence is convincing that the sought 4th Class rating for the transportation of less-than-carload shipments of plasterboard joint systems in California intrastate commerce would be reasonable. The record in this proceeding includes evidence we did not have before us when the ratings on this commodity were under consideration, along with many other commodities, in Application No. 43600.

Inherent in the petition 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 provision were authorized for the rates, like authority is justified for application of the exception rating. Such authority 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 to Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective September 29, 1962, Twenty-fifth Revised Page 8 and Twenty-first Revised Page 39, which 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 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 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 of 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 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.

4. In all other respects the aforesaid 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 14th day of AUGUST, 1962.

George E. Brewer
President
Frederick B. Hildebrand

Commissioners

C. Lyn Fox

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

INDEX OF COMMODITIES (Continued)			
COMMODITY	Item Number	COMMODITY	Item Number
Peas, cow	652-654½	Rams, Bit	365
Peas, dried	652-654½	Ravioli (prepared)	320
Peas, split or whole (M)	652-654½	Red Dog	652-654½
Peat Moss	652-654½	Redwood Bark	652-654½
Pectin, Fruit or Vegetable	320	Reels, Measuring	365
Peel, Fruit, citrus, dried, flaked or granulated	652-654½	Reels, Sand	365
Pellets, beet pulp, dry	652-654½	Refuse, Bean or Pea	652-654½
Perfumery	395	Refuse, Fruit, dried	652-654½
Permanent hair-waving sets	395	Refuse, Potato Pulp	652-654½
Peroxide, Hydrogen	385	Repellents, insect (M)	377.5, 723-726
Petroleum and Petroleum Products as described in Western Classification	377.5, 723-726	Residuum, Distillery, Molasses, dry	652-654½
Petroleum Jelly	395	Residuum, Fish Oil	652-654½
Phosphate, Dicalcium	652-654½	Residuum, fruit or vegetable	652-654½
Pickles	320	Rice-and-Milk	320
Pie Mix, Pizza	345	Rice, Brewers'	652-654½
Pie Preparations	320	Rice, Cleaned	652-654½
Pies, not baked, frozen	377.6	Rice, combined with vegetables or vegetable ingredients and seasoning	360
Piling	690, 710	Rice, Paddy	652-654½
Pimentos	320	Rig Irons	365
Pins, wooden	365	Rings and Wedges	365
Pipe, cast or wrought iron or steel	365	Rods, Polished or Valve	365
Pipe, cast iron pressure	378	Rods, Pull (M)	365
Pipe, cast iron soil	378	Rods, Sucker	365
Pipe, plate or sheet iron or steel	365	Rope (M)	365
Pizza Pie Mix	345	Rope, Wire	365
*Plasterboard joint compound	378.2	Rose Water	395
Plastics, Synthetic	378.5, 379	Running Gears, steam boiler (M)	365
Plugs, Cementing	365	Rye	652-654½
Plugs, Dry Hole	365		
Plywood	690, 710	Saddles, Jack	365
Poles	690, 710	Sago	360
Polish, floor (M)	377.5, 723-726	Sago (M)	652-654½
Polish, furniture (M)	377.5, 723-726	Salad Dressing Preparations	360
Polish, metal (M)	377.5, 723-726	Salads, Fish, Macaroni, Meat or Vegetable	360
Polish, Rice	652-654½	Salt	380
Polish, vehicle (M)	377.5, 723-726	Salt (M)	360
Pomace, Fruit	652-654½	Sandpaper	302
Pomace, Grape	652-654½	Sand Reels	365
Popcorn, not popped	360, 652-654½	Sandwich Spreads	320, 345
Popped Corn (M)	360	Sauce, pepper	320
Porter	310, 360	Sauces, table	320
Posts	690, 710	Sausage	320
Potatoes, cooked and powdered, other than frozen	360	Sausage casings	320
Potato Chips (M)	360	Savers, Oil	365
Pot Scourers (M)	360	Schives, Flax, cut or ground	652-654½
Poultry Litter	652-654½	Scourings	652-654½
Powder, Baking or Yeast	360	Scrap, Fish	652-654½

Powder, Icing	334-3/4	Scraps, dried meat	652-654½
Powder, Sachet or Toilet	395	Screenings, Alfalfa Seed	652-654½
Powders, Citrus Fruit		Screenings, Bean or Pea	652-654½
Juice	369	Screenings, Flaxseed	652-654½
Power Pumps (M)	365	Screenings, Grain,	
Powers, Pumping	365	ground	652-654½
Preservatives, wood (M)	377.5, 723-726	Screenings, Grain,	
Protectors, Box and Pin	365	unground	652-654½
Puddings	320	Screenings, Millet	652-654½
Pulleys, Tug	265	Screenings, Paddy Rice	652-654½
Pull Rod Blocks, wooden	365	Screenings, Pea	652-654½
Pulp, Beet	652-654½	Seed, Broom Corn	652-654½
Pulp, Dried Fruit	652-654½	Seed, Flaxseed	652-654½
Pulp, Fruit, citrus,		Seed, Hemp	652-654½
dried, flaked or		Seed, Melilotus	652-654½
granulated	652-654½	Seed, Millet	652-654½
Pulp, Fruit or Vegetable	320	Seed, Rape	652-654½
Pummies	652-654½	Seed, Sesame	652-654½
Pumps, Power (M)	365	Seed, Sorghum	652-654½
Puree, Tomato	320	Seed, Sunflower	652-654½
		Seed, Sweet Clover	652-654½

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

* Addition, Decision No.

64105

EFFECTIVE SEPTEMBER 29, 1962

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

Correction No. 1266

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
377.5	Petroleum and Petroleum Products, in packages, as described in and subject to the provisions of Item No. 723. Minimum weight 20,000 pounds Minimum weight 30,000 pounds Minimum weight 40,000 pounds Minimum weight 40,000 pounds (1) Not applicable on asphalt (asphaltum), natural, by-product or petroleum, liquid (other than paint, stain or varnish) or solid. (2) Applicable only on asphalt (asphaltum), natural, by-product or petroleum, liquid (other than paint, stain or varnish) or solid.	90% of 4 B (1)C (2)D
377.6	Pies, not otherwise indexed by name in the Western Classification, not baked, frozen. Less carload Minimum weight 20,000 pounds Minimum weight 36,000 pounds	2 4 5
378	Pipe, cast iron pressure, not less than 12 feet and not more than 18½ feet in length, in straight shipments or in mixed shipments with cast iron pressure pipe fittings. Pipe, cast iron soil, not less than 2 feet and not more than 11 feet in length, in straight shipments, or in mixed shipments with cast iron soil pipe fittings. Minimum weight 36,000 pounds	5
*6 378.2	Plasterboard joint compound, with or without applicator or paper, metal or fabric tape. Less carload	4
378.5	Synthetic plastic sheets, not otherwise indexed by name in the Western Classification, not woven, not cellular, expanded nor foamed, not finished articles, in packages or wrapped rolls, or in lengths of not less than 100 feet rolled to a diameter of not less than 3 inches. Less carload	4
379	Plastics, synthetic, liquid or other than liquid, not otherwise indexed by name in the Western Classification, weighing 30 pounds or more per cubic foot, in rubber bags, each bag containing not less than 9,000 pounds of plastics; consignor to load and consignee to unload by mechanical means. Minimum weight 40,000 pounds	B

380	Salt, common, less carload	90% of 4
385	Solutions of Hydrogen Peroxide containing less than 8% Hydrogen Peroxide by weight, value declared in writing by the shipper, or agreed upon in writing as the release value of the property, not exceeding 10 cents per pound. Less carload 3 Carload: Minimum weight 30,000 pounds 4	
390	Sugar, in packages. Less carload 90% of 4 Carload: Minimum weight 30,000 pounds B Minimum weight 40,000 pounds C	

* Addition)
 & Reduction) Decision No. 64105

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 Correction No. 1267