

ORIGINAL

Decision No. 64150

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into)
the rates, rules, regulations, charges, ...) Case No. 5432
allowances and practices of all common)
carriers, highway carriers and city) Petition for Modification
carriers relating to the transportation) No. 269
of any and all commodities between and) (Filed August 10, 1962)
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).)

SUPPLEMENTAL OPINION AND ORDER

By this petition Jeffery Milling Co., Paul Harrison Co., Superior Dryers, Inc., and Yuba Almond Hull Dryer, Inc., corporations maintaining milling and feed producing plants in California request that almond hulls be made exempt from the application of the rates in Minimum Rate Tariff No. 2. Petitioners pray that the Commission issue its order without public hearing for the period of the current season to November 1, 1962, and that a hearing then be held so that evidence may be adduced.

Petitioners allege that almond hulls are a residual waste by-product of the hulling process of almonds; that the hulling is performed by the growers at or near the point of growth of almonds; that the almond hulls represent a severe and serious sanitary, fire and disposal problem; that because of high sugar content they attract insects, bugs and other vermin; and that they are susceptible to internal combustion and create a fire hazard to hulling sheds, storage bins and other buildings. According to the petition the hulls are a liability to the growers and must be rapidly disposed of. Assertedly the hulls have no value until by a milling process they have been cleaned, dried, and ground. Petitioners are engaged in the processing and milling of almond hulls to convert them into animal feed.

Petitioners allege that the provisions of Minimum Rate Tariff No. 2 are not reasonable for the transportation of almond hulls, and that the application of such rates to the transportation of almond hulls will prevent the movement and economic utilization of an otherwise waste commodity.

The California Trucking Associations, Inc. has advised the Commission by letter that it is opposed to any exemption from minimum rate regulation. Association states, however, that it recognizes the instant situation, and without prejudice to protecting its basic policy of opposition to rate exemptions at the suggested further formal hearings, it has no objection to the proposed interim exemption requested. No objection to the granting of the interim exemption has been received. Subject to later review upon consideration of evidence to be adduced at a public hearing, the Commission finds that the exemption of the transportation of almond hulls from the rates in Minimum Rate Tariff No. 2 on an interim basis to expire with November 1, 1962 is justified.

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 August 22, 1962, Forty-second Revised Page 14 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 one day's notice to the Commission and to the public.

In all other respects, Decision No. 31606, as amended, shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 21st day of August, 1962.

George G. Crower
President
S. J. Fox
Robert H. Mitchell
Ernest W. George
Frederick B. Halberstam

Item
No.SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL
APPLICATION (Continued)APPLICATION OF TARIFF-COMMODITIES
(Items Nos. 40 and 41)

Rates in this tariff apply for the transportation of all commodities, except the following:

Accessories, motion picture,
Automobiles, set up,
Automobile parts, accessories, and
related articles in secondary
movement by Truckaway Service
when subject to the rates, rules
and regulations set forth in
Minimum Rate Tariff No. 12,

Baggage,

Butter, dairy (Subject to Note 8),

Buttermilk, liquid (Subject to
Note 2),

Carriers (used packages), as de-
scribed in Item No. 300 of the Ex-
ception Sheet, empty returning
or forwarded for return loads
(Subject to Note 1),

40 Cement, hydraulic, masonry, natural
or Portland—also lime, common
(including magnesium lime, hy-
drated or hydraulic lime, quick
or slaked), cement flue dust,
and/or limestone, powdered,
shipped in mixed shipments with
cement—when transported in ship-
ments of 40,000 pounds or more, or
when transported in shipments of
lesser weights subject to the rates,
rules and regulations, including
the minimum charge computed on a
minimum weight of 40,000 pounds,
which are set forth in Minimum Rate
Tariff No. 10,

Cement Clinker,

Cheese (including cottage cheese and
pot cheese)(Subject to Note 8),

Chips, wood, in bulk (Subject to
Note 13),

Commodities transported under the
vehicle unit rates, rules and
regulations of Minimum Rate
Tariff No. 5, applicable within
Los Angeles and Orange Counties,

Commodities of abnormal size or
weight which because of such
size or weight require the use
of and are transported on low-
bed trailers,

Commodities when transported in
dump trucks, for which rates
are provided in Minimum Rate
Tariff No. 7,

Directories, telephone,

Eggs (other than shelled, desiccated
or frozen),

Fertilizers, as described in Items
Nos. 535, 540 and 550 of the
Exception Sheet,

Film, motion picture,

Fruit, dried, unmanufactured and
unprocessed (Subject to Note 4),

Fruit, fresh or green (not cold
pack nor frozen),

Fungicides, agricultural,

Furniture, household appliances and
other home furnishings which have
been sold at retail by a retail
merchant, transported from retail
stores or retail store warehouses,
or transported from retail custo-
mers to retail stores or retail
store warehouses (Subject to
Note 3),

Furniture, uncrated, new, as
described in and for which rates
are provided in Minimum Rate Tar-
iff No. 11-A, and furniture, un-
crated, new, of state, county or
municipal governments, or trans-
ported under an agreement whereby
the governments contracted for
the carrier's services,

Hops,

House Trailers, set up,

*Hulls, Almond (Exemption expires
November 1, 1962),

Ice Cream Mix, unflavored,

Insecticides, agricultural,

Jewelry transported from or to
wholesale houses in packages
weighing 10 pounds or less,

Liquids, compressed gases, commo-
dities in semi-plastic form and com-
modities in suspension in liquids
in bulk, in tank trucks, tank
trailers, tank semi-trailers or a
combination of such highway
vehicles,

Livestock,

Logs (wood),

Margarine (Subject to Note 8),

Milk, liquid (Subject to Note 2),

Newspapers; newspaper supplements, sec-
tions or inserts; (not scrap or waste)

Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported,

Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight. Further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer,

Concrete transported in motor vehicles equipped for mechanical mixing in transit,

Cotton,

Cream (Subject to Note 2),

Nuts, in the shell,
Nuts, field shelled (rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed),
Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less,
Pits, fruit,
Poultry, live or dressed,
Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services,
Property shipped to or from producers of motion pictures or television shows when transported subject to the rates, rules and regulations provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended.

Property transported to a United States Post Office for mailing and United States mail transported from a post office to the addressee thereof (Subject to Note 11).

(Continued in Item No. 41)

Change)
* Addition) Decision No. 64150

EFFECTIVE AUGUST 22, 1962

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

Correction No. 1276