

Decision No. 64212

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 fresh or }
green fruits and vegetables and re- }
lated items (commodities for which }
rates are provided in Minimum Rate }
Tariff No. 8).

Case No. 5438
Petition for Modification No. 31

ORDER DENYING REHEARING

California Grape & Tree Fruit League and Calavo Growers of California having filed petitions for rehearing of Decision No. 63918, and the Commission having considered each and every allegation thereof and being of the opinion that good cause for rehearing has not been made to appear,

IT IS ORDERED that:

1. Said petitions for rehearing be denied.
2. The tariff provisions which were suspended by such petitions and subsequently removed from Minimum Rate Tariff No. 8 be reinstated by Twentieth Revised Page 8 attached hereto and by this reference made a part hereof.
3. Tariff publications required 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 on not less than ten days' notice to the Commission and to the public and shall be made effective not later than November 3, 1962.
4. Common carriers in establishing the minimum rates, charges, rules and regulations authorized hereinabove, are hereby authorized to depart from the provisions 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; schedules containing the minimum rates, charges, rules and regulations published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

In all other respects Decision No. 33977, as amended, shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 11th day of SEPTEMBER, 1962.

George G. Grover
President

J. Lynn Fox

Fredrick B. Haller

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

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

Twentieth Revised Page 8

Cancels

Nineteenth Revised Page 8

MINIMUM RATE TARIFF NO. 8

| Item No. | SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued) |
|----------|---|
| | <p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff apply to transportation of the following commodities (See Exception):</p> <p>Fruits, fresh or green (not cold pack nor frozen); Nuts, in the shell; Nuts, field shelled, subject to Note 2(g); Vegetables, fresh or green (not cold pack nor frozen), including mushrooms, fresh; Containers, empty, second-hand, returning from an out-bound paying load, of commodities for which rates are provided herein or forwarded for a return paying load, of commodities for which rates are provided in this tariff, subject to Note 1.</p> <p>NOTE 1.--Highway carriers must determine before accepting shipment that said containers were moved filled and are being returned by the same carrier or carriers to consignor of the filled containers; or that containers shipped for return paying load will, when filled, move by the same carrier or carriers to the consignor of the original empty containers.</p> <p>EXCEPTION.--Rates in this tariff do not apply to transportation of:</p> <p>ø(a) Fresh or green fruits, nuts (in the shell or field shelled), fresh or green vegetables, or mushrooms, as described herein, when the point of destination of the shipment is a cannery, accumulation station,** precooling plant, or winery; nor to the empty containers used or shipped out for use in connection with such transportation, subject to Note 2.</p> <p>ø40 *(aa) Fresh or green fruits, fresh or green vegetables, or mushrooms, as described herein, moving to a cold storage plant to be held for interim storage for a subsequent movement to a cannery, subject to Notes 2 and 4.</p> <p>ø(b) Fresh or green fruits, nuts (in the shell or field shelled), fresh or green vegetables or mushrooms, as described herein, when transported from the field or point of growth to a packing plant, *cold storage plant, or a packing shed; nor to empty containers used or shipped out for use in connection with such transportation, subject to Notes 2 and 3.</p> <p>(c) Citrus fruits when the point of destination of the shipment is within the Los Angeles Drayage Area, as described in Minimum Rate Tariff No. 5; nor to the empty containers used or shipped out for use in connection with such transportation.</p> <p>(d) Sugar beets when the point of destination of the shipment is a beet sugar factory or a railroad loading dump.</p> <p>(e) Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>NOTE 2.--For the purpose of this item, the following definitions will apply:</p> <p>(a) Packing Shed or Packing Plant:--Facilities maintained for assembling, sorting, grading, shelling, hulling, or packing the commodity for shipment.</p> <p>(b) Precooling Plant:--Facilities maintained for the purpose of precooling commodities for shipment under refrigeration.</p> |

(c) Cold Storage Plant:-Facilities maintained for the storage of commodities under refrigeration.

(d) Cannery:-Facilities maintained for the processing of commodities at which the commodities are canned, preserved, dried, frozen, pickled, brined, or otherwise processed into manufactured products.

(e) Winery:-Facilities maintained for the purpose of producing vinous liquors, including wine, champagne and brandy.

(f) Accumulation Station:-Yards or open areas maintained for the receiving of unprocessed commodities from the field, and accumulation and consolidation of such commodities for shipment to a cannery, winery, cold storage plant or precooling plant.

(g) Field Shelled:-Rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed.

NOTE 3.-Except for the transportation of citrus fruits in field boxes or in bulk, carrots, avocados, or nuts (in the shell or field shelled), exemption does not apply when the distance between point of origin and point of destination exceeds 50 constructive miles computed in accordance with the provisions of Item No. 110.

*NOTE 4.-Exemption applies only when shipper certifies on the shipping document covering the transportation that the ultimate destination of the shipment is a cannery.

SHIPMENTS TO BE RATED SEPARATELY

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Each shipment shall be rated separately. Shipments shall not be consolidated nor combined by the carrier. Component parts of split pickup or split delivery shipments, as defined in Item No. 11, may be combined under the provisions of Items Nos. 170 and 180.

∅ Change)
* Addition)
** Deletion)

Decision No. 64242

EFFECTIVE NOVEMBER 3, 1962

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 287