

Decision No. 65109

**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 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).

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 Case No. 5432

OPINION AND ORDER

On December 21, 1962, there was sent to interested parties for study and comment a report prepared by the Commission's Transportation Division Rate Branch staff relating to the definition of temperature control service in Minimum Rate Tariff No. 2. The parties were informed by transmittal letter that, in the absence of objection or request for public hearing, consideration might be given to the issuance of an ex parte order revising the minimum rate tariff in accordance with the staff recommendation.

Temperature control service is defined in Item No. 11 of the tariff as follows:

TEMPERATURE CONTROL SERVICE means the protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration."

The staff report states that since the establishment of the above definition another system of truck refrigeration has come into usage. This system is conducted through the use of liquefied nitrogen or liquefied carbon dioxide which when released into the atmosphere expands into a gaseous form and absorbs heat. A typical truck or trailer system includes a well-insulated container in which the liquid nitrogen or carbon dioxide is carried, a valve controlled by a thermostat to regulate distribution, and a pipe along the roof of the

cargo compartment to distribute the vapor. When released, the gaseous nitrogen or carbon dioxide cools the interior of the truck or trailer almost instantly.

According to the staff report temperature control service is essentially the same, whether accomplished by the use of ice, by mechanical means, or by the release of liquefied gases; and the carrier incurs temperature-control expense regardless of the system employed. The definition of temperature control service, the report states, should be amended to provide for all methods in current use. It is recommended by the staff that the definition of temperature control service in Item No. 11 of Minimum Rate Tariff No. 2 be amended to read as follows:

"TEMPERATURE CONTROL SERVICE means the protection from heat by the use of ice (either water or solidified carbon dioxide), by mechanical refrigeration, or by release of liquofied gases."

No objection to the staff recommendation has been received. California Trucking Association, the only organization offering written comment, stated in its reply as follows: "We wish to compliment the staff on their initiative in detecting the need to modernize tariff provisions to reflect technological advancements. The proposed tariff change appears entirely appropriate, and we support the suggested ex parte handling of the problem." The staff report and the written reply thereto are received in evidence as Ex Parte Exhibit No. 0-13 in Case No. 5432.

Upon consideration of the evidence in this proceeding, the Commission finds that modification of the definition of temperature control service as hereinafter provided is reasonable and that the resulting minimum rates and charges will be just, reasonable and non-discriminatory minimum rates and charges. Minimum Rate Tariff No. 2 will be amended accordingly. A public hearing is not necessary.

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 May 11, 1963, Sixteenth Revised Page 12, which revised page is attached hereto and by this reference made a part hereof.

2. Common carriers, in establishing and maintaining the rates and rules authorized herein, 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 to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

3. 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.

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 19<sup>th</sup> day of March, 1963.

George H. Hoover  
President  
John L. Hatcher  
Everett W. Lege  
Fredrick B. Hobbieff  
William W. Bernard  
Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p data-bbox="594 468 1362 542">DEFINITION OF TECHNICAL TERMS (Concluded) (Items Nos. 10 and 11)</p> <p data-bbox="445 568 1390 668">(h) POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including electric powered cranes and lift-truck equipment.</p> <p data-bbox="445 700 1448 900">(ha) RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from, rail cars or vessels. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.</p> <p data-bbox="445 926 1393 1058">(i) RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p data-bbox="445 1089 1448 1258">(j) SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, but not necessarily in an identical type of equipment.</p> <p data-bbox="445 1284 1438 1510">(k) SHIPMENT means a quantity of property physically tendered by one consignor at one point of origin at one time for one consignee at one point of destination, for which a single shipping document has been issued. (See also exceptions in rules and definitions for multiple lot, split pickup and split delivery shipments.)</p> <p data-bbox="445 1542 1468 1837">(l) SPLIT PICKUP SHIPMENT means a shipment consisting of two or more component parts picked up by a carrier during one calendar day from one consignor or at more than one point of origin, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 4,000 pounds, said shipment being consigned and delivered to one consignee at one point of destination. (See Note.)</p> <p data-bbox="584 1868 1366 2095">NOTE: In addition to the component parts picked up by the carrier, a split pickup shipment will include other component parts delivered to carrier's established depot by the consignor or the consignor's agent.</p> <p data-bbox="445 2126 1427 2450">(m) SPLIT DELIVERY SHIPMENT means a shipment consisting of two or more component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 4,000 pounds, said shipment being shipped by one consignor from one point of origin and charges thereon being prepaid when there is more than one consignee.</p>

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(n) TAILGATE LOADING means loading of the shipment into or upon carrier's equipment from a point not more than 25 feet distant from said equipment.

(o) TAILGATE UNLOADING means unloading of the shipment from carrier's equipment and placing it at a point not more than 25 feet distant from said equipment.

(p) TEAM TRACK means a point at which property may be loaded into, or upon, or unloaded from rail cars by the public generally. It also includes wharves, docks and landings at which the public generally may receive and tender shipments of property from and to common carriers by vessel.

ø(pa) TEMPERATURE CONTROL SERVICE means the protection from heat by the use of ice (either water or solidified carbon dioxide), by mechanical refrigeration, or by release of liquefied gases.

(q) WESTERN CLASSIFICATION means Western Classification No. 76 of G. H. Dumas, Agent, and supplements thereto or reissues thereof when the provisions of such supplements or reissues have been approved by the Commission.

ø Change )  
\* Addition ) Decision No. 65109

EFFECTIVE MAY 11, 1963

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

Correction No. 1296