

ORIGINAL

Decision No. 65312

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).

Case No. 5432
(Petition for
Modification No. 230)
(Filed November 20, 1962)

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 property in Los Angeles and Orange Counties (transportation for which rates are provided in Minimum Rate Tariff No. 5).

Case No. 5435
(Petition for
Modification No. 43)

A. E. Norrbom, for Universal Manufacturing Corporation, petitioner.
R. D. Toll, J. X. Quintrall and A. D. Poe, for California Trucking Associations, Inc., interested party.
Henry E. Frank, for the Commission staff.

O P I N I O N

These petitions were heard before Examiner Thompson at San Francisco on January 21, 1963, and were submitted. Universal Manufacturing Corporation requests the establishment in Minimum Rate Tariff No. 2 and in Minimum Rate Tariff No. 5 of a less-than-carload exception rating of Third Class applicable to fluorescent lamp ballasts, not enclosed in lamp channels or chassis. The present rating is Second Class. There are no protests. California Trucking Associations, Inc., and the Commission staff participated but did not offer evidence.

Universal has its plant at Paterson, New Jersey. Its production is confined to the manufacture of fluorescent lamp ballasts. Those articles consist of a steel casing in which are placed electric resistors and then filled with an asphaltic compound. They are used to regulate the flow of electric current to fluorescent lamps. The ballasts are necessary to the operation of fluorescent lamps and, according to the evidence, there are no other articles which perform the same function. Petitioner's director of traffic testified that ballasts are also manufactured by General Electric Corporation, Westinghouse Electric Corporation and Advance Transformer. He stated that the ballasts made by those companies have almost the same transportation characteristics as those manufactured by Universal.

Fluorescent lamp ballasts manufactured by petitioner have values ranging between 32 cents per pound and 73 cents per pound. The densities of the articles are between 87 pounds per cubic foot and 170 pounds per cubic foot. The commodity is virtually undamageable and is not susceptible to pilferage. Petitioner has a pack which it calls its "Tray-Pak" which is a container on skids holding numerous ballasts. The dimensions of the "Tray-Pak" are 40 inches by 40 inches by 18 inches and when filled with ballasts the "Tray-Pak" weighs 2,000 pounds. Those containers are handled by fork-lift. Other than the "Tray-Pak", the ballasts are packaged in fibreboard cartons which are easily handled, loaded and stowed into motor carrier equipment.

Petitioner presented a comparison of the ratings of ballasts with those of other articles named in the Western Classification under the generic heading "Electrical Appliances, or Equipment, or Parts Named". It contends that the transportation

characteristics of ballasts are comparable to those of Conduit Fittings, Insulated Eye Bolts, Switch Boxes or Junction Boxes and Electric Joint Compounds. The rating prescribed in the Western Classification for the latter articles is Third Class. The rating prescribed for those articles in National Motor Freight Classification No. A-6 and Uniform Freight Classification No. 6 is Class 70; whereas, those classifications provide for a lower rating, Class 65, on fluorescent lamp ballasts.

Petitioner distributes its product in the State of California from warehouse facilities maintained at Los Angeles and San Francisco. Shipments from those facilities are made daily. Approximately 100,000 pounds of freight in less-than-truckload shipments are tendered for transportation per month. Petitioner has never filed a claim for the damage of the articles shipped.

The staff in a closing statement indicated that exception ratings should be established only if there are circumstances and conditions in California which are different from those occurring elsewhere in territories governed by the Western Classification and cited J. P. Hackler (1962) 59 Cal. P.U.C. 394. Our conclusions in Hackler do not support a proposition that exception ratings will be established in the minimum rate tariffs only upon a finding of unusual transportation circumstances and conditions in California. Those proceedings concerned the application of the tariff publishing officer of the Western Classification for authority to make effective certain changes in ratings, rules and regulations in the Western Classification, and an investigation by the Commission to determine whether any or all of the proposed ratings, rules and regulations should be adopted to govern the minimum rates. We said there,

"We have found that the proposed ratings do not exceed maximum reasonable ratings and the next issue is whether any or all of them are suitable to govern the minimum rates. . . The basic consideration, therefore, is whether the transportation characteristics of an article are such that they compare with the transportation characteristics of other articles taking the same rating. This is also the basic consideration in determining whether applicant should be authorized to establish the proposed ratings. It follows that unless there are circumstances and conditions in California which necessitate the establishment of different rates or ratings the proposed ratings which have been found to be reasonable are also suitable to govern the minimum rates."

To paraphrase what we said in Hackler, for minimum rate purposes articles should be assigned that rating which is applicable to other articles having similar transportation characteristics unless there are some special circumstances relating to the transportation of the article involved or special circumstances pertaining to the articles with which the former is being compared.

Petitioner has shown that fluorescent lamp ballasts have no counterparts or substitutes and that the articles have transportation characteristics similar to those of other articles which are subject to the less-carload rating of Third Class. The evidence indicates that there are no special circumstances or conditions surrounding the transportation in California of fluorescent lamp ballasts, or the electrical equipment with which it is compared, which warrant a higher minimum rating on fluorescent lamp ballasts. We find that the less-carload rating of Third Class on fluorescent lamp ballasts is the just, reasonable and nondiscriminatory minimum rating for transportation subject to the provisions of Minimum Rate Tariff No. 2 and Minimum Rate Tariff No. 5.

The order herein will provide for the establishment of the exception rating in Minimum Rate Tariff No. 2. In order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 5 will be amended by a separate order.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein to become effective June 22, 1963, the following:

Nineteenth Revised Page 4
Twenty-fourth Revised Page 37

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 rates 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; 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.

4. In all other respects said Decision No. 31600, 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 1st of May, 1963.

George B. Hoover
President

[Signature]
[Signature]

[Signature]

Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

INDEX OF COMMODITIES

Only those articles which are named in commodity items or in Exceptions to the Western Classification and Exception Sheet are shown in the following list.

COMMODITY	Item Number	COMMODITY	Item Number
Abrasive	302	Boxes, Well Derrick or Stuffing	365
Acid, Boracic	730	Bran	652-654 $\frac{1}{2}$
Adaptors, Casing	365	Bran, cottonseed	652-654 $\frac{1}{2}$
Adjusters and Boards	365	Bran, Flaked	652-654 $\frac{1}{2}$
Air Compressors (M)	365	Bran, Rice	652-654 $\frac{1}{2}$
Ale	310, 360	Breads	320
Alfalfa	652-654 $\frac{1}{2}$	Brewers' Flakes	652-654 $\frac{1}{2}$
Alfalfa, ground or pressed	652-654 $\frac{1}{2}$	Brewers' Grains	652-654 $\frac{1}{2}$
Alundum	302	Brick, Fire	365
Animal Feed	336, 620-630	Brine	320
Anvils (M)	365	Brushes, tooth	395
Arms, Cross, wooden	690, 710	Bronzing Liquids	377
Arms, wooden	365	Broths	320
Asphalt	377.5, 723-726	Buckwheat	652-654 $\frac{1}{2}$
Atmospheric Water		Butter, Dairy (M)	315, 605
Cooling Towers (M)	365	Butter, Fruit	320
		Butter, Peanut	320
		Buttermilk	320, 345
Bags, paper	304	Buttermilk, condensed, dried or in paste form	652-654 $\frac{1}{2}$
Bakery Goods	360	Buttermilk, not powdered or flaked	320
*Ballasts, fluorescent lamp	304.5		
Barley	652-654 $\frac{1}{2}$	Cake, Babassu Nut	652-654 $\frac{1}{2}$
Barley, Pearled	652-654 $\frac{1}{2}$	Cake, Coconut	652-654 $\frac{1}{2}$
Barrels, Pump Working	365	Cake, Copra	652-654 $\frac{1}{2}$
Bars, Grate	365	Cake, Corn Germ	652-654 $\frac{1}{2}$
Bath Salts or Crystals	395	Cake, Corn Oil (M)	652-654 $\frac{1}{2}$
Batteries, dry cell	305	Cake, Cottonseed	652-654 $\frac{1}{2}$
Bay Rum	395	Cake, dried fruit seed	652-654 $\frac{1}{2}$
Beans, Castor	652-654 $\frac{1}{2}$	Cake, Flaxseed	652-654 $\frac{1}{2}$
Beans, Mesquite	652-654 $\frac{1}{2}$	Cake, (Grain)	652-654 $\frac{1}{2}$
Beans and Pork	320	Cake, Hemp Seed	652-654 $\frac{1}{2}$
Beer	310, 360	Cake, Kapok Seed	652-654 $\frac{1}{2}$
Beet Pulp	652-654 $\frac{1}{2}$	Cake, Linseed	652-654 $\frac{1}{2}$
Belts (M)	365	Cake, Mesquite (M)	652-654 $\frac{1}{2}$
Beverage Containers	330	Cake, Oil	652-654 $\frac{1}{2}$
Beverage Preparations	311, 360, 375	Cake, Palm	652-654 $\frac{1}{2}$
Beverages	310, 360	Cake, Palm Kernel	652-654 $\frac{1}{2}$
Bits, Drilling	365	Cake, Peanut	652-654 $\frac{1}{2}$
Blacksmith's Rotary Blowers (M)	365	Cake, Perilla	654
Blocks, Casing, Crown or Underreamer		Cake, Perilla Seed	652-654 $\frac{1}{2}$
Dressing	365	Cake, Rape Seed	652-654 $\frac{1}{2}$

Blowers, Blacksmith's

Rotary (M)

Bluing, Laundry (M)

Boards

Boiler Flues

Boiler Fronts (M)

Boiler Parts (M)

Boiler (M)

Boiler Tubes

Bone, ground and
molasses mixed

Borax

365

360

690,710

365

365

365

365

365

652-654½

730

Cake, Safflower Seed

Cake Sesame Seed

Cake, Soya Bean

Cake, Sunflower Seed

Cake, Tucum Nut

Cake, Velvet Bean

652-654½

652-654½

652-654½

652-654½

652-654½

652-654½

652-654½

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

* Addition, Decision No.

65312

EFFECTIVE JUNE 22, 1963

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

Correction No. 1313

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)		
<p>PACKING REQUIREMENTS</p> <p>Except on articles described in the Western Classification under the heading "Furniture" and except as otherwise provided, articles will not be subject to packing requirements of the Western Classification or Exception Sheet, but may be accepted for transportation in any container or any shipping form, provided such container or form of shipment will render the transportation of the freight reasonably safe and practicable.</p> <p>Except on articles described in the Western Classification under the heading "Furniture", if two or more ratings which are subject to different packing requirements are provided for an article in the form in which it is shipped, the lowest of such ratings will apply.</p> <p>The term "Form in which it is shipped" means the form of the article itself as prepared for shipment or for the trade (exclusive of packing requirements), such as set up, knocked down, nested, not nested, compressed, not compressed, folded flat, not folded flat, in metal can inner containers, in glass bottle inner containers, in carton inner containers, in bulk (not in inner containers), dry, liquid, paste, solid, powdered, granulated, in carboys. The term "packing requirements" means (1) the outer shipping containers such as boxes, barrels, crates, bags, and (2) the shipping forms such as bundles, bales, rolls, loose, on skids (other than lift truck or platform), which are provided in the Western Classification or Exception Sheet.</p>		
300	<p>Abrasive Cloth or Paper, including Emery or Sandpaper.</p> <p>Alundum, Corundum, Emery or other natural or synthetic abrasive material consisting chiefly of Aluminum Oxide or Silicon Carbide, viz.:</p> <p style="padding-left: 40px;">Wheels, other than pulp grinding, Wheels, pulp grinding.</p> <p>Less carload -----</p>	<p>Class Rating</p> <p>4</p>
304	<p>Bags, Paper, not otherwise indexed by name in the Western Classification,</p> <p>Less Carload:</p> <p style="padding-left: 40px;">Any Quantity -----</p> <p style="padding-left: 40px;">Minimum Weight 4,000 pounds -----</p> <p>Carload:</p> <p style="padding-left: 40px;">Minimum Weight 30,000 pounds -----</p> <p>(1) Rating applies only on straight shipments. Paper bags in mixed shipments with other articles are subject to other ratings set forth in this item.</p>	<p>3 (1)4 5</p>

*b 304.5	Ballasts, fluorescent lamp, not enclosed in lamp channels or chassis, in boxes, Less carload -----	3
305	Batteries, dry cell, electric, Less carload -----	4
310	Beverages, malt, viz.: Ale, Beer, Porter, Stout, Less carload ----- Carload: Minimum Weight 40,000 pounds -----	4 D
311	Beverage Preparations, not otherwise indexed by name in the Western Classification, dry, Less carload -----	4
315	Butter, dairy Cheese (including cottage cheese and pot cheese) Margarine (1) Applies only when one or more of the commodities listed in this item move in mixed shipments with other commodities for which rates are provided in this tariff.	(1)4
* Addition) o Reduction) Decision No. 65312		
EFFECTIVE JUNE 22, 1963		
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 1314		