

65750

Decision No. _____

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).

Case No. 5432
 (Petition for Modification
 No. 290
 Filed February 13, 1963)

William H. Kessler, for Bark Producers Corporation,
 petitioner.
B. R. Garcia, for Scott Lumber Co.; George Faris,
 for Union Transportation Co.; J. C. Kaspar,
J. X. Quintrall and A. D. Poe, for California
 Trucking Association, interested parties.
Eric A. Mohr and John F. Specht, for the Commission
 staff.

O P I N I O N

This petition was heard and submitted before Examiner
 Thompson at Fresno on May 21, 1963.

By the petition, as amended at the hearing, Bark
 Producers Corporation, a distributor of ground bark, humus and
 other soil conditioners, requests the establishment in Minimum
 Rate Tariff No. 2 of the following exception ratings:

Saw Mill Residue, consisting of a mixture of 2 or
 more of the following: bark, conifer, ground;
 sawdust; humus or forest humus; in bulk, in car-
 loads, subject to Note 1:

Minimum weight 34,000 pounds - Class C
 Minimum weight 40,000 pounds - Class E

Note 1 - If more than one vehicle or combination
 of vehicles constituting a single unit

of equipment is used for the transportation of a single shipment, each such vehicle or combination of vehicles shall be subject to the minimum weight applicable.

There are no protests to the establishment of the sought exception ratings.

The present minimum carload ratings for the components of sawmill residue are:

	<u>Minimum Wt.</u>	<u>Rating</u>
Bark (exclusive of Tan Bark and Spent Bark)	34,000	B
Sawdust	30,000	E
Humus	40,000	E

When bark and sawdust are mixed the applicable carload rating is Class B, subject to a minimum weight of 34,000 pounds. When other components are mixed, the mixture is rated in accordance with Item No. 90 of Minimum Rate Tariff No. 2 applicable to mixed shipments.

A wood technologist employed as production manager by petitioner testified concerning the properties of the commodities involved herein and concerning the production and distribution of petitioner's products.

Petitioner distributes soil conditioners and soil additives from Dinuba, Marysville, Red Bluff, Placerville and Orange. These conditioners and additives, and in some cases mulches, consist entirely of ground or shredded bark, humus or sawdust of various types and sizes of pieces. Humus is partially decomposed organic matter. Ground or shredded bark or sawdust that is composted partially decomposes and becomes humus. The process is a natural one. The wood technologist distinguished

forest humus from other humus as being the material taken from the surface of the ground in the forest as compared to material that has been taken from a pile of sawmill residue purposely set aside for composting and partial decomposition.

The weight densities and values of the components of sawmill residue are:

	<u>Pounds per Cubic Foot</u>	<u>Value in Cents Per Cubic Yard</u>
Bark	14 to 35	70 to 390
Sawdust	14 to 25	40 to 75
Humus	18 to 35	70 to 390

The densities of the articles vary with the amount of water content. In addition to having a certain residual water content, the articles are susceptible to the absorption of moisture from the atmosphere. The values vary according to the market prices based upon the demand for the various sizes and types of material.

Petitioner has encountered problems in the distribution of its products by reason of the differences in the minimum rates applicable to them. When the commodity is composed entirely of the material obtained from the ground in the forest the carload rating is Class E subject to a minimum weight of 40,000 pounds. When the commodity is composed of material taken from a pile of ground bark or shredded bark, a question of fact presents itself as to whether the material has been sufficiently decomposed so that it is humus or whether it remains ground or shredded bark. If it is humus it is subject to the Class E rating mentioned above; if it is bark, it is subject to the carload rating of Class B subject to a minimum weight of 34,000 pounds. Where the

material is taken from a pile of sawdust at the mill, again the question of fact presents itself as to whether the decomposition of the material, which as stated above is a natural process, is sufficient to change the identity of the commodity. If it is sawdust, the applicable rating is Class E subject to a minimum weight of 30,000 pounds.

The commodities, regardless of their identities as bark, sawdust or humus, are loaded onto trucks in identically the same manner, and except as to differences in sizes of particles have virtually the same appearance.

We find that the transportation characteristics of ground conifer bark are the same as those of humus. We further find that the proposed exception ratings on sawmill residue, as defined in the petition, are comparable to the minimum ratings established for the transportation of other forest products having similar transportation characteristics and are reasonable, just and nondiscriminatory.

We conclude that the proposed ratings should be established in Minimum Rate Tariff No. 2 as the just, reasonable and nondiscriminatory minimum ratings for the transportation of sawdust residue as defined herein.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) is hereby further amended by incorporating therein to become effective September 14, 1963, Twenty-eighth Revised Page 8, Original Page 38-C, and Twenty-second Revised Page 39, which revised 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. 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 23rd day of July, 1963.

Stallman Bennett
President
George H. Hoover
Fredrick B. Holbrook
Commissioners

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	*Residue, Saw Mill	382
Petroleum Jelly	395	Residuum, Distillery	
Phosphate, Dicalcium	652-654½	Molasses, dry	652-654½
Pickles	320	Residuum, Fish Oil	652-654½
Pie Mix, Pizza	345	Residuum, fruit or vegetable	652-654½
Pie Preparations	320	Rice-and-milk	320
Pies, not baked, frozen	377.6	Rice, Brewers'	652-654½
Piling	690, 710	Rice, Cleaned	652-654½
Pimentos	320	Rice, and other ingredients	345, 360
Pins, wooden	365		
Pipe, cast or wrought iron or steel	365	Rice, Paddy	652-654½
Pipe, cast iron pressure	378	Rig Irons	365
Pipe, cast iron soil	378	Rings and Wedges	365
Pipe, plate or sheet iron or steel	365	Rods, Polished or Valve	365
Pizza Pie Mix	345	Rods, Pull (M)	365
Plasterboard joint compound	378.2	Rods, Sucker	365
Plastics, Synthetic	378.5, 379	Rope (M)	365
Plugs, Cementing	365	Rope, Wire	365
Plugs, Dry Hole	365	Rose Water	395
Plywood	690, 710	Running Gears, steam boiler (M)	365
Poles	690, 710	Rye	652-654½
Polish, floor (M)	377.5, 723-726		
Polish, furniture (M)	377.5, 723-726	Saddles, Jack	365
Polish, metal (M)	377.5, 723-726	Sago	360
Polish, Rice	652-654½	Sago (M)	652-654½
Polish, vehicle (M)	377.5, 723-726	Salad Dressing Preparations	360
Pomace, Fruit	652-654½	Salads, Fish, Macaroni, Meat or Vegetable	360
Pomace, Grape	652-654½	Salt	380
Popcorn, not popped	360, 652-654½	Salt (M)	360
Popped Corn (M)	360	Sandpaper	302
Porter	310, 360	Sand Reels	365
Posts	690, 710	Sandwich Spreads	320, 345
Potatoes, cooked and powdered, other than frozen.	360	Sauce, pepper	320
		Sauces, table	320
		Sausage	320
		Sausage casings	320

Potatoes, processed, cooked and powdered	320	Savers, Oil	365
Potato Chips (M)	360	*Saw Mill Residue	382
Pot Scourers (M)	360	Shives, Flax, cut or ground	652-654½
Poultry Litter	652-654½	Scourings	652-654½
Powder, Baking or Yeast	360	Scrap, Fish	652-654½
Powder, Icing	334½	Scraps, dried meat	652-654½
Powder, Sachet or Toilet	395	Screenings, Alfalfa Seed	652-654½
Powders, Citrus Fruit Juice	360	Screenings, Bean or Pea	652-654½
Power Pumps (M)	365	Screenings, Flaxseed	652-654½
Powers, Pumping	365	Screenings, Grain, ground	652-654½
Preservatives, wood (M)	377.5, 723-726	Screenings, Grain, unground	652-654½
Protectors, Box and Pin	365	Screenings, Millet	652-654½
Puddings	320	Screenings, Paddy Rice	652-654½
Pulleys, Tug	365	Screenings, Pea	652-654½
Pull Rod Blocks, wooden	365	Seed, Broom Corn	652-654½
Pulp, Beet	652-654½	Seed, Flaxseed	652-654½
Pulp, Dried Fruit	652-654½	Seed, Hemp	652-654½
Pulp, Fruit, citrus, dried, flaked or granulated	652-654½	Seed, Melilotus	652-654½
Pulp, Fruit or Vegetable	320	Seed, Millet	652-654½
Pummies	652-654½	Seed, Rape	652-654½
Pumps, Power (M)	365	Seed, Sesame	652-654½
Puree, Tomato	320	Seed, Sorghum	652-654½
		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. 65750

EFFECTIVE SEPTEMBER 14, 1963

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1324

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
377.5	<p>Petroleum and Petroleum Products, in packages, as described in and subject to the provisions of Item No. 723.</p> <p>Minimum weight 20,000 pounds</p> <p>Minimum weight 30,000 pounds</p> <p>Minimum weight 40,000 pounds</p> <p>Minimum weight 40,000 pounds</p> <p>(1) Not applicable on asphalt (asphaltum), natural, by-product or petroleum, liquid (other than paint, stain or varnish) or solid.</p> <p>(2) Applicable only on asphalt (asphaltum), natural, by-product or petroleum, liquid (other than paint, stain or varnish) or solid.</p>	<p>90% of L</p> <p>B</p> <p>(1)C</p> <p>(2)D</p>
377.6	<p>Pies, not otherwise indexed by name in the Western Classification, not baked, frozen.</p> <p>Less carload</p> <p>Minimum weight 20,000 pounds</p> <p>Minimum weight 36,000 pounds</p>	<p>2</p> <p>4</p> <p>5</p>
378	<p>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.</p> <p>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.</p> <p>Minimum weight 36,000 pounds</p>	<p>5</p>
378.2	<p>Plasterboard joint compound, with or without applicator or paper, metal or fabric tape.</p> <p>Less carload</p>	<p>L</p>
378.5	<p>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.</p> <p>Less carload</p>	<p>L</p>
379	<p>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.</p> <p>Minimum weight 40,000 pounds</p>	<p>B</p>

(3) Items shown hereon formerly appeared
on Twenty-first Revised Page 39, Decision No. 65750

EFFECTIVE SEPTEMBER 14, 1963

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1325

- 38-C -

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	EXCEPTIONS TO WESTERN CLASSIFICATION AND EXCEPTION SHEET (Continued)	Class Rating
380	Salt, common, less carload	90% of 4
*o 382	<p>Saw Mill Residue consisting of a mixture of two or more of the following: bark, conifer, ground; sawdust; humus or forest humus; in bulk, in carloads, subject to Note 1.</p> <p>Minimum weight 34,000 pounds</p> <p>Minimum weight 40,000 pounds</p> <p>Note 1: If more than one vehicle or combination of vehicles constituting a single unit of equipment is used for the transportation of a single shipment, each such vehicle or combination of vehicles shall be subject to the minimum weight applicable.</p>	C E
385	<p>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.</p> <p>Less carload</p> <p>Carload: Minimum weight 30,000 pounds</p>	3 4
390	<p>Sugar, in packages.</p> <p>Less carload</p> <p>Carload: Minimum weight 30,000 pounds</p> <p>Minimum weight 40,000 pounds</p>	90% of 4 B C
<p>(1) Items formerly appearing on Twenty-first Revised Page 39 and not shown hereon transferred to Original Page 38-C.</p> <p>* Addition) o Reduction) Decision No. 65750</p>		
EFFECTIVE SEPTEMBER 14, 1963		
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 1326</p>		