

ORIGINAL

Decision No. 65757

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)
related items (commodities for which)
rates are provided in Minimum Rate)
Tariff No. 8).

Case No. 5438
Petition for Modification No. 41
(Filed July 18, 1963)

OPINION AND ORDER

By this petition, Associated Transportation Co., Inc., seeks to have certain transportation of nuts, in shell or field shelled, exempt from the rates in Minimum Rate Tariff No. 8. Specifically, the transportation involved is the movement of nuts from the field or point of growth to a packing plant or shed with a stop in transit at an accumulation station.¹

Petitioner alleges that shipments of nuts, in shells or field shelled, are regularly transported from fields or points of growth to accumulation plants where small lots are consolidated into larger shipments for delivery to packing plants and sheds. It stated that in-transit stops at accumulation stations are for the sole purpose of making up larger truckload movements so that the freight may be more economically transported. Petitioner alleges that the sought revision is vitally necessary for the benefit and

¹ Petitioner proposes to accomplish the sought exemption by the addition of the following note to Item No. 40 of the tariff:

"Note 5 = Exemption applies for the transportation of nuts (in shell or field shelled) even though shipment is stopped in transit at an accumulation station when moving from field or point of growth to packing plant or shed."

welfare of small growers. According to the petition, small producers must consolidate small lots at accumulation stations to secure the lower transportation costs available through shipping in truckload amounts. Petitioner states that for many years it has been extensively engaged in this type of hauling and foresees the problems and hardships that will arise should the transportation in question not be excluded. It further states that the sought modification is necessary to protect small growers and to permit them to be competitive with larger growers who experience no problems in making up truckload shipments.

Petitioner requests that the matter be considered at the earliest possible date and that an ex parte order be issued herein because the nut harvest season will commence in the near future. According to the petition, petitioner has contacted other interested parties and all of them except California Trucking Association have evidenced no objection to the proposal and, in fact, indicated they will support it. California Trucking Association states while it is opposed to the continuation or broadening of any exemptions it has no objection to the requested ex parte action to reflect interim needs with the understanding that the subject matter will be reviewed in Petition No. 30, the more comprehensive proceeding in this case.

In the circumstances, it appears, and the Commission finds, pending further review of the provisions of Minimum Rate Tariff No. 8, that the proposed exemption from the present minimum rates of the transportation here in question is justified. A public hearing is not necessary. The petition will be granted, subject to later review upon consideration of evidence to be adduced in the more comprehensive proceeding hereinbefore referred to.

Good cause appearing,

IT IS ORDERED that:

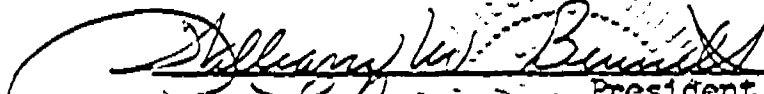
1. Minimum Rate Tariff No. 8 (Appendix "C" to Decision No. 33977, as amended) is hereby further amended by incorporating therein, to become effective August 10, 1963, Third Revised Page 7 and Twenty-third Revised Page 8 which revised pages are attached hereto and by this reference made a part hereof.

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 fifth day after the effective date of this order and may be made effective on not less than five 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. In all other respects, the aforesaid Decision No. 33977, as amended, shall remain in full force and effect.

This order shall become effective on the date hereof.

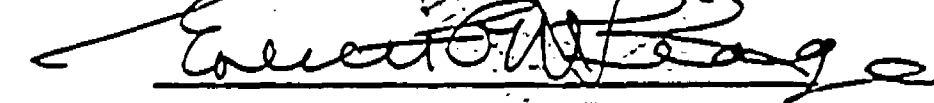
Dated at San Francisco, California, this 25th day of July, 1963.



President



E. Mitchell



Everett W. Page

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Fred ~~W.~~ Meloboff, being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p data-bbox="479 471 1149 505">APPLICATION OF TARIFF - COMMODITIES</p> <p data-bbox="616 536 1031 572">(Items Nos. 40 and 41)</p> <p data-bbox="331 601 1492 671">Rates in this tariff apply to transportation of the following commodities (See Exception):</p> <ul data-bbox="423 700 1492 1096" style="list-style-type: none">Fruits, fresh or green (not cold pack nor frozen);Mushrooms, fresh (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);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;Containers, empty, for which rates are provided in Section No. 4 of this tariff. <p data-bbox="211 1127 274 1161">40</p> <p data-bbox="331 1127 1492 1322">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 data-bbox="331 1356 1458 1426">EXCEPTION.-Rates in this tariff do not apply to transportation of:</p> <ul data-bbox="331 1455 1492 2182" style="list-style-type: none">(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.(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.(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 when transported between packing sheds, subject to Notes 2, 3 and 5.(bb) Empty containers used or shipped out for use in connection with transportation described in paragraph (b) above, subject to Notes 2 and 3.

(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.

(d) Sugar beets when the point of destination of the shipment is a beet sugar factory or a railroad loading dump.

(e) Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.

(Continued in Item No. 41)

ø Change)
* Addition) Decision No. 65757

EFFECTIVE AUGUST 10, 1963

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 332

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES (Concluded) (Items Nos. 40 and 41)</p> <p>NOTE 2.--For the purpose of these items, 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 pre-cooling commodities for shipment under refrigeration.</p> <p>(c) Cold Storage Plant:--Facilities maintained for the storage of commodities under refrigeration.</p> <p>(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.</p> <p>(e) Winery:--Facilities maintained for the purpose of producing vinous liquors, including wine, champagne and brandy.</p> <p>(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.</p> <p>(g) Field Shelled:--Rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed.</p> <p>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 the point of origin and point of destination exceeds 50 constructive miles computed in accordance with the provisions of Item No. 110.</p> <p>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.</p> <p>*6 NOTE 5.--Exemption applies for the transportation of nuts (in the shell or field shelled) even though shipment is stopped in transit at an accumulation station when moving from the field or point of growth to a packing plant or shed.</p>
50	<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>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.</p>

o Change)
* Addition) Decision No.
o Reduction)

65757

EFFECTIVE AUGUST 10, 1963

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