

65911

ORIGINAL

Decision No. _____

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 car-)
riers 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

SUPPLEMENTAL OPINION AND ORDER

On May 7, 1963, 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 transportation of fresh mushrooms. 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 Minimum Rate Tariff No. 2 in accordance with the staff recommendation.

Minimum Rate Tariff No. 8 names minimum commodity rates on fresh fruits and vegetables, including mushrooms. Minimum Rate Tariff No. 2 names minimum class and commodity rates on all commodities, except for those specifically excluded from the tariff, as shown in Items Nos. 40 and 41. Items Nos. 40 and 41 exclude from Minimum Rate Tariff No. 2 all of the commodities subject to Minimum Rate Tariff No. 8, except mushrooms.

According to the staff report a question is created as to the minimum rates applicable to mushrooms, as Minimum Rate Tariff No. 2 does not exempt mushrooms and Minimum Rate Tariff No. 8 specifically names that commodity as being subject to that tariff.

Minimum Rate Tariff No. 8 exempts certain movements of produce (including mushrooms) when destined to a cannery, accumulation station or precooling plant. The movements of mushrooms so exempted from Minimum Rate Tariff No. 8 would clearly be subject to the class rates named in Minimum Rate Tariff No. 2. The report states that it seems apparent, from a review of Commission decisions relating to produce transportation, that it was intended that the transportation of mushrooms be made subject to the same minimum rate exemptions as the other commodities transported under the provisions of Minimum Rate Tariff No. 8. The report recommends that Minimum Rate Tariff No. 2 be amended by adding to the list of commodities exempt from that tariff "Mushrooms, fresh (not cold pack nor frozen)."

No objection to the staff recommendation has been received. The staff report is received in evidence as Ex Parte Exhibit No. O-16 in Case No. 5432.

Upon consideration of the evidence in this proceeding, the Commission finds that proposed modification of Item No. 40 of Minimum Rate Tariff No. 2 is reasonable. 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 October 5, 1963, Forty-sixth Revised Page 14, 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

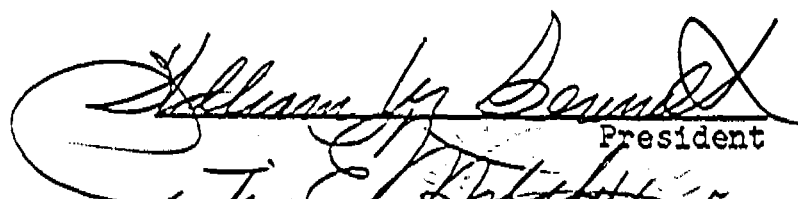
authorizations are hereby modified to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.


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.

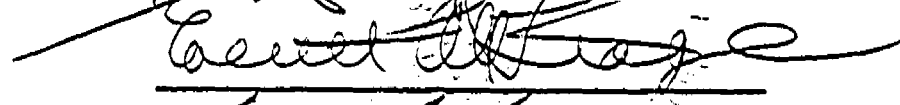
In all other respects, the aforesaid Decision No. 31606, as amended, shall remain in full force and effect.

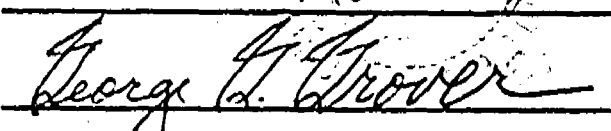
This order shall become effective twenty days after the date hereof.


Dated at San Francisco, California, this 20th day of August, 1963.



President








Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES (Items Nos. 40 and 41)</p> <p>Rates in this tariff apply for the transportation of all commodities, except as follows:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>Accessories, motion picture, Automobiles, set up, Automobile parts, accessories and related articles in secondary movement by Truck-away Service when subject to the rates, rules and regulations set forth in Minimum Rate Tariff No. 12, Baggage, Butter, dairy (subject to Note 8), Buttermilk, liquid (Subject to Note 2), Carriers (used packages), as described in Item No. 300 of the Exception Sheet, empty returning or forwarded for return loads (Subject to Note 1), Cement, hydraulic, masonry, natural or Portland--also lime, common (including magnesium lime, hydrated or hydraulic lime, quick or slaked), cement flue dust, and/or limestone, powdered, shipped in mixed shipments with cement--when transported in shipments of 40,000 pounds or more, or when transported in shipments of lesser weights subject to the rates, rules and regulations, including the minimum charge computed on a minimum weight of 40,000 pounds, which are set forth in Minimum Rate Tariff No. 10, Cement Clinker, Cheese (including cottage cheese and pot cheese) (Subject to Note 8), Chips, wood, in bulk (Subject to Note 13), Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol, Commodities transported under the vehicle unit rates, rules and regulations of Minimum Rate Tariff No. 5, applicable within Los Angeles and Orange Counties, Commodities of abnormal size or weight which because of such size or weight require the use of and are transported on low bed trailers, Commodities when transported in dump trucks, for which rates are provided in Minimum Rate Tariff No. 7,</p> </div> <div style="width: 48%;"> <p>Directories, telephone, Eggs (other than shelled, desiccated or frozen), Fertilizers, as described in Items Nos. 535, 540 and 550 of the Exception Sheet, Film, motion picture, Fruit, dried, unmanufactured and unprocessed (Subject to Note 4), Fruit, fresh or green (not cold pack nor frozen), Fungicides, agricultural, Furniture, household appliances and other home furnishings which have been sold at retail by a retail merchant, transported from retail stores or retail store warehouses, or transported from retail customers to retail stores or retail store warehouses (Subject to Note 3), Furniture, uncrated, new, as described in and for which rates are provided in Minimum Rate Tariff No. 11-A, and furniture, uncrated, new, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services, Hay, Fodder and Straw, in machine pressed bales, for which rates are provided in Minimum Rate Tariff No. 14, Hops, House Trailers, set up, Hulls, almond, including shells and other waste from the hulling and shelling of almonds, not processed for use as animal or poultry feed, Ice Cream Mix, unflavored, Insecticides, agricultural, Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less, Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, Livestock, Logs (wood), Margarine (Subject to Note 8),</p> </div> </div>

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Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported.

Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight. Further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer.

Concrete transported in motor vehicles equipped for mechanical mixing in transit,

Cotton,

Cream (Subject to Note 2),

Milk, liquid (Subject to Note 2),
Mushrooms, fresh (not cold packed nor frozen),

Newspapers; newspaper supplements, sections or inserts; (not scrap or waste),

Nuts, in the shell,

Nuts, field shelled (rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed),

Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less,

Pits, fruit,

Poultry, live or dressed,

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

Property shipped to or from producers of motion pictures or television shows when transported subject to the rates, rules and regulations provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended.

Property transported to a United States Post Office for mailing and United States mail transported from a post office to the addressee thereof (Subject to Note 11).

(Continued in Item No. 41)

Change }
* Addition } Decision No.

65911

EFFECTIVE OCTOBER 5, 1963

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

Correction No. 1323