

ORIGINAL

Decision No. 65952

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
 into the rates, rules and regulations, )  
 charges, allowances and practices of )  
 all common carriers, highway carriers )  
 and city carriers relating to the )  
 transportation of any and all com- )  
 modities between and within all points )  
 and places in the State of California )  
 (including, but not limited to, trans- )  
 portation for which are provided in )  
 Minimum Rate Tariff No. 2). )

Case No. 5432  
 Petition for Modifica-  
 tion No. 291  
 (Filed February 21, 1963)

Robert L. LaVine, for Wire Basket Company, Inc.,  
 petitioner.

C. J. Boddington, for Southern California Freight  
 Lines, Ltd.; J. C. Kaspar, A. D. Poe and J. Quintrall,  
 for California Trucking Associations, Inc.; interested  
 parties.

Henry E. Frank, for the Commission staff.

O P I N I O N

This matter was heard and submitted before Examiner  
 Thompson on June 3, 1963 at San Francisco. <sup>1/</sup>

Wire Basket Company, Inc., is engaged in the manufacture,  
 sale and distribution of wooden tubs and boxes used as flower planters  
 and of other commodities dealt in by garden supply houses. It seeks  
 the establishment in Minimum Rate Tariff No. 2 of the following car-  
 load exception rating.

Tubs, noibn, woodenware, nested or not nested,  
 loose or in packages, subject to Note 1.

Minimum Weight 30,000 pounds - Class A

Note 1. - Ratings named in this item  
 will only apply when the mini-  
 mum weight specified can be  
 loaded into a unit of equipment.

<sup>1/</sup> The matter was called and adjourned without receipt of evidence  
 on April 24, 1963.

The present carload rating applicable to this commodity is Fourth Class subject to a minimum weight of 20,000 pounds.

The evidence consists of the testimony of the secretary-treasurer of petitioner, who is also its plant manager, and of the traffic manager of Southern California Freight Lines, Ltd. No one opposed the establishment of the proposed exception rating.

Petitioner manufactures its products at a plant in Atwater. It has a warehouse in Los Angeles from which it distributes over 99 percent of the products it sells. Its products and sales consist mainly of wooden tubs, the principal one being a tub made from eight tapered and beveled lengths of impregnated surfaced one-inch redwood lumber assembled and strapped about an octagonal base of redwood lumber. The tub has no top and the octagonal base is perforated for drainage so that in the form in which it is sold the article is not a container for liquids or flowable solids. Petitioner manufactures several sizes of tubs designed in a manner to permit a set of six to be nested solid.

During 1962, petitioner shipped 127 truckload shipments from Atwater to Los Angeles. The shipments ranged in weight from 25,000 pounds to 33,000 pounds per truckload. The average value of the shipments was \$2,500. This indicates an average weight density of the freight loaded in the trailer of something in excess of 10 pounds per cubic foot and an average value per pound of something less than ten cents. Typical truckloads include the articles nested solid in fibreboard cartons, tubs nested not in containers, and the articles loose. The latter are furnished by petitioner to the carrier to use in shoring or blocking the load; if no shoring or blocking would be required, the loose articles would be nested for shipment.

It was shown that the transportation from petitioner's plant at Atwater to its warehouse at Los Angeles is the only movement of tubs in California in such large shipments. There are other manufacturers of tubs in California with plants located at Los Angeles, Healdsburg and Redding, however, the distribution from those manufacturers are from their respective plants and the market of the tubs is such that there are few, if any, sales of quantities that would comprise a shipment of 30,000 pounds. In view of the fact that the traffic from petitioner's plant to its warehouse is the only movement which would be subject to the proposed rating, inquiry was made as to why it seeks an exception rating rather than the establishment of a commodity rate. It was developed that petitioner encounters severe competition from one of the manufacturers which, because it is a nonprofit organization and utilizes members as workers, has certain cost advantages over petitioner. Petitioner found that it could curtail its cost of marketing by acquiring truck equipment to perform its own transportation and so indicated to Southern California Freight Lines, Ltd., which hauls a large portion of the traffic. The traffic manager of Southern California Freight Lines testified that his company is anxious to retain this traffic as it transports much more freight from Los Angeles to San Joaquin Valley points than in the reverse direction and the business it receives from petitioner is in the nature of a back-haul which is profitable and advantageous. He said that he had discussed the possibility of lowering the rate with petitioner and with representatives of other highway common carriers. As a result of those discussions, he advised petitioner to request the establishment of the proposed exception rating. He stated that the other highway carriers

desired to have the rate available for their use and, that an exception rating rather than a commodity rate was suggested because the class rates in Minimum Rate Tariff No. 2 have been adjusted periodically by the Commission in recognition of the periodic increases in the cost of labor whereas the commodity rates have not always been included in such periodic adjustment in rates.

The evidence shows that there are no specially favorable or unfavorable transportation characteristics for the articles here involved. A rating of Class A, subject to a minimum carload weight of 30,000 pounds, is the rating ordinarily assigned to articles having transportation characteristics similar to those of wooden tubs. The evidence shows, however, that wooden tubs are not usually shipped in carload quantities of 30,000 pounds. The movement between petitioner's plant and its warehouse is the only movement of this quantity. It has not been shown that wooden tubs do not move in California in quantities which would permit the application of the present carload rating of Fourth Class, minimum weight 20,000 pounds. The establishment of the proposed exception rating would preclude the use of that rating on such traffic.

We find:

1. The Class A minimum rate, subject to a minimum weight of 30,000 pounds has been shown to be reasonable for the transportation of wooden tubs from Atwater to Los Angeles when such shipment is transported on a vehicle or combination of vehicles constituting a single unit of equipment.

2. It has not been shown that the carload rating of Fourth Class, minimum weight 20,000 pounds is unreasonable for other transportation of wooden tubs, noibn.

3. The only known movement of wooden tubs in shipment of 30,000 pounds or more between points in California is from Atwater to Los Angeles.

Based upon the foregoing findings of fact we conclude that a commodity rate, equivalent to the concurrently effective Class A rate, should be established and maintained in Minimum Rate Tariff No. 2 as the just, reasonable and nondiscriminatory minimum rate to be observed by highway carriers for the transportation from Atwater to Los Angeles of wooden tubs, in carloads, subject to a minimum weight of 30,000 pounds transported in a single unit of equipment; and that in all other respects the petition herein should be denied.

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 October 19, 1963, Twentieth Revised Page 4, Twenty-seventh Revised Page 9, and Original Page 52-A 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. In all other respects said Decision No. 31606, as amended shall remain in full force.

4. In all other respects Petition for Modification No. 291 is denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 3rd day of September, 1963.

William A. Bennett  
President  
[Signature]  
[Signature]  
George T. Trover  
Fredrick B. Holaloff  
Commissioners

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, Planter	758
Acid, Boracic	730	Boxes, Well Derrick or Stuffing	365
Adapters, Casing	365	Bran	652-654 $\frac{1}{2}$
Adjusters and Boards	365	Bran, Cottonseed	652-654 $\frac{1}{2}$
Air Compressors (M)	365	Bran, Flaked	652-654 $\frac{1}{2}$
Ale	310, 360	Bran, Rice	652-654 $\frac{1}{2}$
Alfalfa	652-654 $\frac{1}{2}$	Breads	320
Alfalfa, ground or pressed	652-654 $\frac{1}{2}$	Brewers' Flakes	652-654 $\frac{1}{2}$
Alundum	302	Brewers' Grains	652-654 $\frac{1}{2}$
Animal Feed	338, 620-630	Brick, Fire	365
Anvils (M)	365	Brine	320
Arms, Cross, wooden	690, 710	Brushes, tooth	395
Arms, wooden	365	Bronzing Liquids	377
Asphalt	377-5, 723-726	Broths	320
Atmospheric Water		Buckwheat	652-654 $\frac{1}{2}$
Cooling Towers (M)	365	Butter, Dairy (M)	315, 605
		Butter, Fruit	320
		Butter, Peanut	320
		Buttermilk	320, 345
		Buttermilk, condensed, dried or in paste form	652-654 $\frac{1}{2}$
		Buttermilk, not powdered or flaked	320
Bags, paper	304		
Bakery Goods	360	Cake, Babassu Nut	652-654 $\frac{1}{2}$
Ballasts, fluorescent lamp	304.5	Cake, Coconut	652-654 $\frac{1}{2}$
Barley	652-654 $\frac{1}{2}$	Cake, Copra	652-654 $\frac{1}{2}$
Barley, Pearled	652-654 $\frac{1}{2}$	Cake, Corn Germ	652-654 $\frac{1}{2}$
Barrels, Pump Working	365	Cake, Corn Oil (M)	652-654 $\frac{1}{2}$
Bars, Grate	365	Cake, Cottonseed	652-654 $\frac{1}{2}$
Bath Salts or Crystals	395	Cake, dried fruit seed	652-654 $\frac{1}{2}$
Batteries, dry cell	305	Cake, Flaxseed	652-654 $\frac{1}{2}$
Bay Rum	395	Cake, (Grain)	652-654 $\frac{1}{2}$
Beans, Castor	652-654 $\frac{1}{2}$	Cake, Hemp Seed	652-654 $\frac{1}{2}$
Beans, Mesquite	652-654 $\frac{1}{2}$	Cake, Kapok Seed	652-654 $\frac{1}{2}$
Beans and Pork	320	Cake, Linseed	652-654 $\frac{1}{2}$
Beer	310, 360	Cake, Mesquite (M)	652-654 $\frac{1}{2}$
Beet Pulp	652-654 $\frac{1}{2}$	Cake, Oil	652-654 $\frac{1}{2}$
Belts (M)	365	Cake, Palm	652-654 $\frac{1}{2}$
Beverage Containers	330	Cake, Palm Kernel	652-654 $\frac{1}{2}$
Beverage Preparations	311, 360, 375	Cake, Peanut	652-654 $\frac{1}{2}$
Beverages	310, 360	Cake, Perilla	654
Bits, Drilling	365	Cake, Perilla Seed	652-654 $\frac{1}{2}$
Blacksmith's Rotary Blowers (M)	365	Cake, Rape Seed	652-654 $\frac{1}{2}$
Blocks, Casing, Crown or Underreamer Dressing	365		

Blowers, Blacksmith's Rotary (M)	365	Cake, Safflower Seed	652-654 $\frac{1}{2}$
Bluing, Laundry (M)	360	Cake Sesame Seed	652-654 $\frac{1}{2}$
Boards	690,710	Cake, Soya Bean	652-654 $\frac{1}{2}$
Boiler Flues	365	Cake, Sunflower Seed	652-654 $\frac{1}{2}$
Boiler Fronts (M)	365	Cake, Tucum Nut	652-654 $\frac{1}{2}$
Boiler Parts (M)	365	Cake, Velvet Bean	652-654 $\frac{1}{2}$
Boiler (M)	365		
Boiler Tubes	365		
Bone, ground and molasses mixed	652-654 $\frac{1}{2}$		
Borax	730		

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

\* Addition, Decision No. **65952**

EFFECTIVE OCTOBER 19, 1963

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

Correction No. 1337



## INDEX OF COMMODITIES (Concluded)

COMMODITY	Item Number	COMMODITY	Item Number
Seed, Vetch	652-654½	Tank Steel (M)	365
Seed, Wild Mustard	652-654½	Tapioca	360, 652-654½
Seeds, dried fruit	652-654½	Tea	360
Seeds, refuse or screening	652-654½	Temper Screws	365
Semolina	652-654½	Templates, Box and Pin	365
Semolina and Grain Flour	652-654½	Thief Hole Covers	365
Shakes	690, 710	Ties, railroad	690, 710
Shallu	652-654½	Timbers	690, 700, 710
Shampoo	395	Titanium Dioxide	393
Sheets, sawdust or ground wood, compressed	690, 710	Toilet Preparations	395
Sheets, synthetic plastic	378.5	Tongs, pipe	365
Shellacs	377	Tools, Drilling or Fishing	365
Shells (M)	652-654½	Tools, Mechanics (M)	365
Shingles	690, 710	Tooth Brushes	395
Shoes, Casing	365	Towers, Atmospheric Water Cooling (M)	365
Shook, box or crate	690, 710	Traveling toilet kits	395
Shortening	360	Triglycerides of Fat-forming Acids	360, 730
Shorts	652-654½	Trucks, Steam Boiler (M)	365
Shrock Kaffir	652-654½	Tubes, Boiler	365
Skimmings	652-654½	Tubing, iron or steel, Plate or Sheet Cast or Wrought	365
Slips	365	Tubs, Cooling	365
Smokestacks (M)	365	*Tubs, Woodenware	758
Soap	730		
Soap, liquid	377.5, 723-726, 730		
Soap, Powder	730		
Soda, Washing	730		
Solutions of Hydrogen Peroxide	385		
Solvent (M)	377.5, 723-726		
Solvent, Drain pipe	730		
Sorghum	652-654½		
Soups	320		
Spaghetti (M)	652-654½	Underreamers	365
Spaghetti, except canned	360		
Spaghetti (prepared)	320, 360		
Spaghetti and other ingredients	345, 360		
Spelt	652-654½		
Spices	360		
Spiders	365		
Spreads, sandwich	320	Valves (M)	365
Sprouts, Malt	652-654½	Valves, Pump Working Barrel	365
Spudding Shoes and Rings	365	Varnish	377
Stain, wood (M)	377.5, 723-726	Vegetable Oil Shortening	730
Starch, liquid	730	Vegetables (not dehydrated, dried evaporated nor fresh)	320
Steam Boiler Trucks (M)	365	Veneering	690, 700, 710
Steel, plate or sheet (M)	365	Vermicelli (M)	652-654½
Steel Wool and Soap, combined (M)	360		
Stirrups, Disconnecting	365		
Stout	310, 360		
Sugar	390, 740, 745, 755		
Swabs	365		

Swivels, Hydraulic Rotary	365	Vermicelli, except canned	360
Syrup	320	Vermicelli (prepared)	320,360
Syrup, Fruit	360	Vermicelli and other ingredients	345,360
Syrup, Malt	360	Vinegar	320
		Wagons, Casing or Bit	365
		Washing Powders	730
		Washing Soda	730
		Waste Cotton Gin	652-654½
		Wax, automobile, boat, floor or furniture (M)	377.5,723-726
Table Sauces	320	Wax, Laundry Compound	360
Tailings, rice mill	652-654½	Wedges	365
Tankage, rendered, dry	652-654½	Welsh Rarebit	320
Tanks, Iron or Steel (M)	365	Wheat	652-654½
Tanks, oil and gas separating (M)	365	Wheat, Egyptian	652-654½
		Wheels, Band, Bull or Calf	365
		Wheels, Grinding, alundum, corundum or emery	302
		Whey, condensed, dried or powdered	345,652-654½
		Witch hazel extract	395
		Wine	400
		Wire Rope (M)	365
		Wobblers	365
		Wood Preservatives (M)	377.5,723-726
		Wrenches	365
		Yeast	360
		Yeast, residual or dried	652-654½

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Correction No. 1368

Item No.	SECTION NO. 3	COMMODITY RATES (Continued) In Cents Per 100 Pounds		
	COMMODITY	FROM	TO	RATE
*6 758	Tubs, woodenware (planter boxes) nested or not nested, loose or in packages, in carloads  Minimum Weight 30,000 Pounds, subject to Note 2.  NOTE 1.- Apply Class A rate in Item No. 507 for the constructive mileage distance from Atwater to Los Angeles Zone 1 as described in the Distance Table.  NOTE 2.-The minimum weight applies to each unit of equipment in which the shipment is transported.	ATWATER	LOS ANGELES	See Note 1

\* Addition }  
 & Reduction } Decision No. **65952**

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