

Decision No. 66286

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. 309)
(Filed August 6, 1963)

OPINION AND ORDER

By Petition for Modification No. 309 in Case No. 5432, the California Trucking Association seeks to amend certain provisions named in paragraphs 4 and 5 of Item No. 185 of Minimum Rate Tariff No. 2. These provisions relate to charges which apply for mixed shipments of commodities requiring different temperature control services and the proposed amendments to the above tariff are specifically set forth in Appendix A attached to the petition.

Petitioner states that it is informed and believes that the aforesaid provisions of Item No. 185 do not adequately reflect the current and foreseeable needs of shippers and carriers; the uncertainty of the present language of this tariff item has been the subject of numerous correspondence with the Commission; Informal Ruling No. 78 was issued by the Commission staff;¹ and the tariff

¹This informal ruling was issued by the Transportation Division of the Commission on March 15, 1961, in response to questions propounded by the public indicating what is deemed by the Division to be the correct application and interpretation of the tariff provisions involved herein. This ruling is tentative and provisional and is made in the absence of formal decisions upon the subject by the Commission.

provisions involved have been the continued subject of analysis and discussion at joint meetings of interested shippers and carriers.

Petitioner believes that the present tariff uncertainty and deficiency can be remedied by the revision of Item No. 185 as proposed herein; such amendment of said item may result in certain technical reductions in rates; and the proposed revision is desired by, and will be in the interest of, both carriers and shippers.

Petitioner requests that the matter be handled by ex parte order of the Commission and that all common carriers be directed to establish in their respective tariffs all such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Copies of the verified petition were mailed to various shipper associations, chambers of commerce and other interested parties on or about August 2, 1963. Kraft Foods, Division of National Dairy Products Corporation, The Borden Company, Western Division, and Corn Products Company, shippers of certain commodities which require temperature control service, have informed the Commission by letter or statement of their views in this matter. Kraft Foods states that it "believes the suggested rule will enable shippers and carriers to operate in a practical manner, while at the same time preserving the basic intent of the Commission's order in the temperature control case."² All of the responding parties support petitioner's proposal as filed and recommend that the matter be handled on an ex parte basis.

² Decision No. 61177, dated December 13, 1960, in Case No. 5432 (Order Setting Hearing dated July 1, 1958).

In the circumstances, it appears, and the Commission finds, that petitioner's proposals are reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation of commodities subject to the temperature control service provisions of Minimum Rate Tariff No. 2. This is a matter in which a public hearing is not deemed necessary. The petition will be granted.

Other minor changes not related to the subject matter of the petition will be made in one of the tariff pages herein being revised.³

Good cause appearing,

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 December 30, 1963, Sixth Revised Page 22-A and First Revised Page 22-B attached hereto and by this reference made a part hereof.

2. Tariff publications required 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 on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than December 30, 1963.

³Item No. 185-1 of Minimum Rate Tariff No. 2 will be amended to remove obsolete references to Section No. 3-A thereof.

3. Common carriers 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.

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

Dated at San Francisco, California, this 5th day of November, 1963.

William W. Bennett
President

John E. Mitchell

Walter W. Boye

George A. Grover

Frederic B. Holhoff
Commissioners

| Item No. | SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued) |
|----------|--|
| | <p style="text-align: center;">TEMPERATURE CONTROL SERVICE</p> <p style="text-align: center;">APPLICATION OF RATES</p> <p>(Applies to the transportation of all shipments accorded Temperature Control Service as defined below.)</p> <p style="text-align: center;">(Items Nos. 185 and 185-1)</p> <ol style="list-style-type: none">1. Definitions.<ol style="list-style-type: none">(a) CHILLED TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature higher than 32 degrees Fahrenheit.(b) FROZEN TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature of 32 degrees Fahrenheit or lower.2. Rates provided for temperature control service shall be subject to all provisions of this tariff except as otherwise provided herein or in the items making specific reference hereto.3. <ol style="list-style-type: none">(a) Transportation of commodities described as frozen in the Governing Classification for which temperature control service is provided, shall be subject to the rates and charges for frozen temperature control service.(b) The rates and charges for chilled temperature control service shall apply to the transportation of fresh fish.ø4. Mixed Temperature Control Service.<ol style="list-style-type: none">(a) When separate weights for the portions of a shipment moving in mixed temperature control service are not furnished or obtained, for the portions requiring different temperature control services or no temperature control service, charges for the entire shipment will be computed as though the entire shipment were transported at the lowest temperature provided for any portion thereof.(b) When temperature control service is required for a portion of a shipment, or when chilled temperature control service is required for a portion of a shipment and frozen temperature control service is required for another portion of the shipment, and separate weights for each portion receiving temperature control service are furnished or obtained according to the type of |

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temperature control service provided, charges will be computed for such portions of the shipment upon the actual weight thereof at the rate applicable to the specific type of temperature control service provided, based upon the total weight of the shipment or on a greater minimum weight if lower charges result under the provisions of Item No. 80. Any deficiency between the weight accorded temperature control service and the actual weight of the shipment or greater minimum weight, if applicable, shall be assessed at the lowest rate applicable to any portion of the shipment.

- ø5. At the time of or prior to the receipt of or pickup of the shipment the shipper shall specify, in writing, to the carrier the type of temperature control service required, including specific instructions as to any portion not requiring temperature control service. In the absence of specific instructions, temperature control service charges will be computed on basis of temperature control service provided, subject to the provisions of paragraph 3 hereof.
6. When temperature control service is provided there shall be shown on the shipping documents the type of temperature control service provided for each shipment for which such service was performed.
7. Temperature control service shall be subject to the following minimum charges (See Note):

| <u>Weight of Shipment</u> | <u>Minimum Charges in Cents per Shipment</u> | |
|---------------------------|--|---|
| | <u>Chilled Temperature Control Service</u> | <u>Frozen Temperature Control Service</u> |
| 50 pounds or less .. | 25 | 35 |
| More than 50 pounds | 45 | 70 |

NOTE.-The minimum charges provided herein shall be in addition to the minimum charges set forth in Item No. 150.

(Continued in Item No. 185-1)

ø Change, Decision No. 66286

EFFECTIVE DECEMBER 30, 1963

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

Correction No. 1391

| Item No. | SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued) |
|--------------|--|
| <p>185-1</p> | <p style="text-align: center;">TEMPERATURE CONTROL SERVICE APPLICATION OF RATES (Concluded)</p> <p>(Applies to the transportation of all shipments accorded Temperature Control Service as defined in Item No. 185) (Items Nos. 185 and 185-1)</p> <p>8. Rates for temperature control service shall be determined as follows:</p> <p> (a) Determine the applicable class or commodity rate or rates named in Section No. 2 or 3 ** of this tariff for the shipment in question, and</p> <p> (b) Increase the rate or rates so determined as follows:</p> <p> (1) For CHILLED TEMPERATURE CONTROL SERVICE, find, under Column A of the conversion table in Items Nos. 186 and 186-1, the applicable class or commodity rate named in the tariff for the transportation involved (exclusive of the service of temperature control). The rate to be applied (inclusive of the service of temperature control) will be found opposite thereto under Column B.</p> <p> (2) For FROZEN TEMPERATURE CONTROL SERVICE, find, under Column A of the conversion table in Items Nos. 186 and 186-1, the applicable class or commodity rate named in the tariff for the transportation involved (exclusive of the service of temperature control). The rate to be applied (inclusive of the service of temperature control) will be found opposite thereto under Column C.</p> <p> (c) Except as provided herein or in items making reference hereto, the provisions of paragraph (b) shall not apply to rates or charges provided in Section No. 1 of the tariff, nor to accessorial charges named in Sections Nos. 2 and 3 ** of the tariff. **</p> <p> (d) On continuous through movements on which charges are obtained by the use of combinations of separately stated rates in this tariff, the rates shall be combined before increasing as provided in paragraph (b) hereof.</p> |
| | <p> Change ** References to Section No. 3-A eliminated) Decision No. 66286</p> |
| | <p>EFFECTIVE DECEMBER 30, 1963</p> |
| | <p style="text-align: center;">Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 1392</p> |