

Decision No. 66862**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 property in Los Angeles and Orange)
 Counties (transportation for which)
 rates are provided in Minimum Rate)
 Tariff No. 5).)

Case No. 5435
 (Petition for Modification
 No. 51)

OPINION AND ORDER

Borden Foods Company, a division of The Borden Company, requests the establishment in Minimum Rate Tariff No. 5 of an exception rating of Third Class, less truckload, on prepared dough, not cooked, other than frozen. The present rating is Second Class. There are no protests. California Trucking Association has informed the Commission that it is not opposed to petitioner's request.

The petition asserts that biscuit dough has a weight density of 39.9 pounds per cubic foot and that petitioner's prepared dough for rolls weighs 35.9 pounds per cubic foot. The ingredients of both the biscuit and roll dough consist of flour, water, shortening, baking powder, nonfat dry milk solids, sugar and salt, except that rolls have margarine added. Baked bread, biscuits and toast contain virtually the same ingredients but are much lighter than the prepared dough. Those items, however, enjoy ratings of Fourth Class, less truckload.

We take official notice of Decision No. 66210, dated June 27, 1961, in Case No. 5432 (Petition No. 223 of The Borden Company) and of Decision No. 63033, dated July 31, 1963, in Case No. 5432 (Petition No. 255 of The Pillsbury Company) in which the Commission established in Minimum Rate Tariff No. 2 an exception rating of Fourth Class on biscuit dough and prepared dough, not cooked, frozen or not frozen, with or without topping, subject to charges provided for temperature control service. The facts related in said decisions are the same as those herein except that, unlike Minimum Rate Tariff No. 2, Minimum Rate Tariff No. 5 does not prescribe specific rates for temperature control service. According to the petition, temperature control ranging from 33° to 42° is required in transit.

We find that a rating of Third Class, less truckload, is a just, reasonable, and nondiscriminatory rating for the transportation by city carriers and highway carriers, between points in the Los Angeles Drayage Area, of prepared dough, not cooked, other than frozen; and that a public hearing is not necessary.

We conclude that a rating of Third Class, less truckload, should be established in Minimum Rate Tariff No. 5 as the rating governing the just, reasonable and nondiscriminatory rates for the transportation of prepared dough, not cooked, other than frozen, between points in the Los Angeles Drayage Area by city carriers and by highway carriers; therefore,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 5 (Appendix A of Decision No. 32504, as amended) is further amended by incorporating therein, to become effective April 4, 1964, Tenth Revised Page 3, Thirteenth Revised Page 22 and Fourth Revised Page 22-A, 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 Decision No. 32504, 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 25th day of February, 1964.

William L. Bennett
President
George L. Grover
Frederick B. Hallock
Commissioners

INDEX OF COMMODITIES

Only those articles which are named in commodity items or in Exceptions to Governing Classification and Exception Ratings Tariff are shown in the following list.

COMMODITY	Item Number	COMMODITY	Item Number
Ale	341	Castings, rough, iron or steel	340
Angles, iron or steel	340	Catsup	341
		Cellulose film	221
Bakery Goods	341	Cement clinker	345
Ballasts, fluorescent lamp	213	Cement, Portland, building	340
Bands, iron or steel	340	Cereal and Nuts, combined	341
Bars, iron or steel, as described	340	Cereal Food Preparations	341
Bases, post, iron or steel	340	Channels, iron or steel	340
		Cheese	341
Beams, iron or steel	340	Chocolate	341
Beans, dry	341	Chocolate Coating	341
Beer	341	Coating, candy, other than chocolate	222
Beer Tonic	341	Cocoa	341
Beverages	341	Coffee	341
Beverage Preparations	341	Coffee Substitutes	341
Billets, iron or steel	340	Coloring, confectioners'	341
Bolts, iron or steel	340	Columns, iron or steel	340
Bottles, glass	341	Compounds, flavoring	341
Boxes, paperboard or pulpboard	385	Compounds, food curing, preserving or seasoning	341
Braces, iron or steel	340	Compounds, lard	341
		Confectionery	222, 341
Building Material	342		
Butter, dairy	341	Dessert Preparations	341
		Diglycerides of Fat-forming acids	341
Candy	341	Dough, prepared	225
Candy coating, other than chocolate	222		
Canned Goods and other articles, as described	341	Eggs	341
Caps, post, iron or steel	340	Extracts	341
Carriers (used packages), as described	220		

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*Addition, Decision No.

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 San Francisco, California.

Correction No. 395

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	Class Rating
	EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)	
212	Aluminum Ware, viz.: Kitchen or cooking utensils, not nested solid ----- (Subject to Note 1 of Item No. 290.)	1½
213	Ballasts, fluorescent lamp, not enclosed in lamp channels or chassis, in boxes -----	3
215	Bicycles, set up or knocked down ----- (Subject to Note 1 of Item No. 290.)	1½
218	Burial Cases, set up ----- (Subject to Note 2 of Item No. 290.)	1½
219	Cans, iron or steel, liquid capacity exceeding one gill but not exceeding 5 gallons, not nested ----- (Subject to Note 1 of Item No. 290.)	1½
220	Carriers (used packages), second-hand, empty, as described in and subject to the provisions of Items Nos. 320 and 321 of the Exception Ratings Tariff -----	One-half of 4
221	Cellulose film, not printed (transparent sheets of not nitrated cellulose film such as commonly used for wrapping purposes) or cellulose film combined or coated with plastic other than cellulose, in rolls exceeding 8½ inches in diameter, or in sheets not further processed than cut to size, in boxes or crates, or in wrapped bundles or rolls.	4
222	Confectionery, viz.: Candy coating, other than chocolate -----	4
*225	Dough, prepared, not cooked, other than frozen -----	3
230	Flowers, fresh, cut -----	1
232	Furniture, as described under the heading "Furniture Group" in the Governing Classification, except articles knocked down and except the following: Bamboo, cane, fibre, grass, rattan, reed or willow; Bedstead rails, bedstead rails and holders combined, or bedstead slats, steel; Cabinets, filing, steel; Children's bed springs, linked or woven wire, with angle iron frames; Cots, linked or woven wire springs and steel frames, collapsed or folded. (Subject to Note 1 of Item No. 290.)	1½
233	Gelatine, not otherwise indexed by name in the Governing Classification -----	3

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Glassware, viz.:
Incandescent lamps;
Lamp globes or bulbs;
Lamp shades (not nested).
(Subject to Note 2 of Item No. 290.)

1½

(1) Items Nos. 240, 260, 265 and 268 formerly shown on this page are transferred to Fourth Revised Page 22-A.

* Addition)
o Reduction) Decision No. **66862**

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Correction No. 396

Cancels

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Concluded)	
	EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Concluded)	Class Rating
(1)240	Ice Cream	2
(1)260	Pads, sanitary (sanitary diapers or napkins) (Subject to Note 1 of Item No. 290.)	1½
(1)265	Paper or Articles of Paper or Pulp, viz.: Boxes, bottles or cans as described in Items 29285, 29286, 29288 and 29293 series of the Governing Classification (Subject to Note 1 of Item No. 290.)	1½
(1)268	Synthetic plastic sheets, not otherwise indexed by name in the Governing 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	4
270	Sheet Steel Ware, as described under the heading "Sheet Steel Articles Group" in the Governing Classification, except articles nested or nested solid and except the following: Baking pan sets, (two or more pans strapped together with band steel); Can or pail stock, other than milk shipping can stock, tin, bodies flat, tops and bottoms formed; Forks or spoons, galvanized, tinned or plain; Pail or tub ear blanks; Panel or hoods, refrigerator cabinet, unfinished, not galvanized, painted, enameled nor lacquered; Powder keg material, (bottoms, sides, stoppers or tops); Shovels, stove. (Subject to Note 2 of Item No. 290.)	1½
273	Titanium Dioxide, in bags	4
280	Trunks or Traveling Bags as described under the heading "Trunks, Traveling Bags or Related Articles" in the Governing Classification. (Subject to Note 2 of Item No. 290.)	1½

(Applies in connection with items making specific reference hereto.)

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NOTE 1.-Rates on shipments weighing in excess of 2,000 pounds shall be computed at the ratings shown based upon the class rates applicable to a minimum weight of 2,000 pounds.

NOTE 2.-Rates on shipments weighing in excess of 4,000 pounds shall be computed at the ratings shown based upon the class rates applicable to a minimum weight of 4,000 pounds.

(1) Items Nos. 240, 260, 265 and 268 formerly appeared on Twelfth Revised Page 22, Decision No. 66862

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Correction No. 397