

Decision No. 66904**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 (trans-)
 portation for which rates are pro-)
 vided in Minimum Rate Tariff No. 5).)

Case No. 5435
 (Petition for Modification
 No. 53)

OPINION AND ORDER

Union Carbide Corporation requests the establishment in Minimum Rate Tariff No. 5 of an exception rating of fourth class, less truckload, applicable to dry cell batteries.

Prior to December 28, 1963, when Exception Ratings Tariff No. 1 became effective, the rating of fourth class, less carload, was applicable to the transportation of dry cell batteries within the Los Angeles Drayage Area. Said rating was prescribed in Pacific Southcoast Freight Bureau Exception No. 1-S which then governed the rates in Minimum Rate Tariff No. 5. The fourth class rating on dry cell batteries was not brought forward into Exception Ratings Tariff No. 1 which now governs said minimum rates.

We have examined Decision No. 66195 and the record in Case No. 5432, Petition No. 295 (which includes Case No. 5435, Order Setting Hearing dated November 27, 1962), to determine the reason why the exception rating of fourth class on dry cell batteries was not included in Exception Ratings Tariff No. 1. The Commission's Transportation Division proposed that the rating be included (Exhibit No. 295-1, page A-16, Item 105). California Trucking Association suggested that the proposed rating not be

included because, "Same description and rating provided for in Item 305 of MRT No. 2".

In Decision No. 66195 the Commission stated,

"Although the California Trucking Association proposes in its petitions to cancel all references to Exception Sheet No. 1-S, its research director introduced an exhibit and testified that the association concurred in the staff proposal, except that petitioner proposes cancellation of a number of exception ratings. Most of those proposed to be canceled, according to the witness, are commodities for which he could find little or no movement, or duplicated ratings in the classification or the minimum rate tariffs. A few of those proposed to be canceled have ratings which he said were unrealistic or too low. However, the witness did not present any evidence to show that these ratings were unreasonable. It appears, and we find that those ratings for which petitioner found little or no movement, or duplicate other provisions, should be canceled, but that the others should not be canceled."

The petition herein asserts that there is a movement of dry cell batteries within the Los Angeles Drayage Area. It is apparent and we find that the increase in rating resulting from the failure to include the fourth class rating in Exception Ratings Tariff No. 1 or Minimum Rate Tariff No. 5 was an oversight. We conclude that said rating should be re-established without delay.

The maintenance of the same exception rating in both Minimum Rate Tariff No. 2 and Minimum Rate Tariff No. 5 is contrary to the purpose of the establishment of Exception Ratings Tariff No. 1. We conclude, therefore, that the fourth class rating on dry cell batteries should be prescribed in Exception Ratings Tariff

No. 1 and that concurrently said rating should be deleted from Minimum Rate Tariff No. 2 by separate order.

IT IS ORDERED that:

1. Exception Ratings Tariff No. 1 (Appendix A of Decision No. 66195, as amended) is further amended by incorporating therein, to become effective April 11, 1964, Second Revised Page 3 and Second Revised Page 9, 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 ninety days after the effective date of the minimum rate tariff pages incorporated in this order.

3. In all other respects, Decision No. 66195, as amended, shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 3rd day of MARCH, 1964.

President
Charles H. Grover
George E. Grover
William B. Holdoff

Commissioners

-3- Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

INDEX OF COMMODITIES			
COMMODITIES	Item Number	COMMODITIES	Item Number
Bagging	100	Hops	620
Bags	100	Household Goods	640,660
Bakery Goods	120	Ice, (water)	580
Baskets, berry and fruit	140	Insecticides	700
*Batteries, dry cell	*150	Ladders, step	900
Beverage Preparations	160	Magazines	740
Briquettes, wood	180	Material, Roofing, Building or Paving	840
Building Materials	840	Paints	760
Canned Foodstuffs	220,221,240	Paper or Paper Articles	170,780
Canned Goods	220,221,240	Paving Materials	840
Carriers, new	260	Periodicals	740
Carriers, old (used)	280	Plastics, Synthetic	800
Carriers, used packages	300,320,321, 340	Preserved Foodstuffs	220,221,240
Catalogues	740	Products, Cereal	360,361,380, 381
Cereal and Cereal Products	360,361,380, 381	Ranges, iron or steel	920
Circulars	740	Returned Shipments	820
Clothing, Staplework	400	Roofing Materials	840
Coffee, extract of	420	Sal-Soda	860
Compounds, buffing or polishing	200	Salt, common (Sodium Chloride)	880
Compounds, cleaning, scouring or washing	440	Shipments, returned	820
Compounds, paint, lacquer or varnish reducing, removing or thinning	760	Step Ladders	900
Compounds, tree and weed killing	460	Stoves, iron or steel	920
Confectionery	480	Sugar	940
Egg case or carrier, fillers or flat	500	Varnishes	760
Explosives	520	Wood Briquettes	180
Fertilizers	540,560,580	Wood, fuel	960
Fillers, egg case or carrier	500		
Flats, egg case or carrier	500		
Floor Coverings	585,590		
Foodstuffs, canned or preserved	220,221,240		
Fungicides	700		
Games and Toys	595		
Gypsum	600		

* Addition, Decision No.

66904

EFFECTIVE APRIL 11, 1964

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

Correction No. 7

SECTION NO. 2 - RATINGS WHICH ARE EXCEPTIONS TO THE GC			Item No.
ARTICLES	Rating		
	LTL	TL	
<p>Bags and Bagging, as described below, in bales or bundles, viz.:</p> <p>Burlap or Jute, Burlap or Jute, lined with cotton cloth or paper, Burlap, lined with cotton cloth or paper, Cotton, Gunny, Woven Paper Fabric.</p> <p>Bags, made of combination jute-and-cotton fabric, minimum truckload weight 30,000 lbs.</p>	4	5	100
<p>Bakery Goods as described below, in boxes or barrels, or in pulpboard cartons in crates, or in fibre or tin cans (with or without glass fronts) in crates, or in wheeled carriers (wood, fibreboard and iron or steel combined) locked or sealed, or in fibreboard boxes:</p> <p>Biscuits Cakes Matzos Toast Bread Crackers Pretzels</p>	4		120
<p>Baskets, berry and fruit, nested, or KD, folded flat, loose or in packages, truckload minimum weight 20,000 lbs.</p> <p>NOTE 1.-Rating also applies on fibreboard, pulpboard or strawboard liners, fillers or partitions and wooden fillers or partitions for packing or basket covers, for baskets named.</p> <p>NOTE 2.-Rating also applies on paper liners, fillers or partitions and packing pads for the baskets named.</p>		C	140
Batteries, dry cell, electric	4		*150
Beverage Preparation, NOIBN in the GC, dry	4		160
<p>Boxes, bottles, or cans, fibreboard, paper or pulpboard, NOIBN with or without tops or bottoms made of the same or other materials, not nested, in packages, or on platforms or skids:</p> <p>Outside measurements exceeding one inch in depth and exceeding 15 united inches, length, width and depth added. Truckload minimum weight 12,000 pounds</p> <p>Outside measurements exceeding one inch in depth but not exceeding 15 united inches in depth, length, and width added. Truckload minimum weight 12,000 pounds</p>	1½	3	170
	1	3	

<p>Briquettes, wood (pressed wood fireplace logs), in bundles or sacks, truckload minimum weight 40,000 lbs.</p>	4	D	180
<p>Buffing or Polishing Compounds, noibn, including boat, floor, furniture or vehicle polish or wax, see Note 1. In barrels, boxes or pails, see Note 2. NOTE 1.-One cleaning or polishing cloth may be included in the same shipping container for each inner container or one mop may be included in each outside shipping container. NOTE 2.-Compounds consisting of sawdust, abrasives and stearic acid, dry, may be shipped in 3-ply multiple-wall paper bags, total basis weight for all walls not less than 180 lbs. net weight of contents not to exceed 50 lbs.</p>	4		200
<p>* Addition, Decision No. 66904</p>			
<p>EFFECTIVE APRIL 11, 1964</p>			
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 8</p>			