

66931

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 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

SUPPLEMENTAL OPINION AND ORDER

A report of the Commission's Transportation Division Rate Branch staff was sent to interested parties on August 13, 1963, for study and comment. The report recommended certain changes in Minimum Rate Tariff No. 5. The transmittal letter informed the parties that, in the absence of objection or request for public hearing, consideration may be given to the issuance of an ex parte order revising the tariff in accordance with the staff recommendations.

No objection to the staff recommendations has been received. California Trucking Association supports the staff proposal. The staff report is received in evidence as Ex Parte Exhibit No. 3 in Case No. 5435; the written comment from California Trucking Association is received in evidence as Ex Parte Exhibit No. 4.

The present wording in Minimum Rate Tariff No. 5 exempts "Commodities transported in bulk in tank" (vehicles). The proposed substitute wording would exempt "Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank" (vehicles). The change is designed primarily to clarify the exemption as being not applicable to dry flowable commodities. The same change has been made heretofore in other minimum rate tariffs.<sup>1</sup>

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1. Minimum Rate Tariffs Nos. 1-B, 2 and 9-A, and City Carriers' Tariff No. 1-A.

From the exhibits of record it appears that the tariff revisions recommended by the staff are appropriate and desirable in the interest of tariff clarity and uniformity.

Upon consideration of the evidence in this proceeding, the Commission finds that the tariff modifications proposed by the staff are reasonable. A public hearing is not necessary. Minimum Rate Tariff No. 5 will be amended accordingly by the order herein.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 5 (Appendix "A" of Decision No. 32504, as amended) is hereby further amended by incorporating therein, to become effective April 18, 1964, Twenty-sixth Revised Page 13 and First Revised Page 13-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. 32504, 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 10th day of March, 1964.

William C. Burnett  
President  
John E. ...  
George L. ...

\_\_\_\_\_  
\_\_\_\_\_  
Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p>APPLICATION OF TARIFF - COMMODITIES (Items Nos. 40 and 41)</p> <p>Rates in this tariff apply for the transportation of all commodities except the following:</p> <p>Accessories and Supplies, motion picture,</p> <p>Automobiles, Automobile parts, accessories, and related articles in secondary movement by truckaway service when subject to the rates, rules and regulations set forth in Minimum Rate Tariff No. 12,</p> <p>Baggage, viz.: personal baggage and baggage containing sample merchandise, transported from or to a depot, dock or other point where passengers are discharged or received by common carriers,</p> <p>suttermilk, in milk shipping cans or in bottles in cases or crates,</p> <p>Carriers (used packages), empty, returning from an outbound paying load, or being forwarded for a return paying load of traffic for which rates are not provided in this tariff (Subject to Item No. 80 of the Exception Ratings Tariff),</p> <p>640 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,</p> <p>Cement, Portland (building), when transported in bulk,</p> <p>Commodities picked up or delivered for common carriers as defined in the Public Utilities Act, or for radial highway common or highway contract carriers as defined in the Highway Carriers' Act, when the property is in the custody of such carriers for transportation from or to points not included in the zones described in Items Nos. 30, 31, 32 and 33, under rates which include pickup or delivery at points within the said zones,</p> <p>Commodities weighing 100 pounds or less per package or per piece, delivered from retail stores,</p> <p>Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol,</p> <p>**</p>

Commodities when transported in dump trucks, for which rates are provided in Minimum Rate Tariff No. 7,

Commodities when transported under the vehicle unit rates, rules and regulations of Minimum Rate Tariff No. 15,

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,

Cream, in milk shipping cans or in bottles in cases or crates,

Directories, telephone,

Fertilizers, as described in Items Nos. 540, 560 and 580 of the Exception Ratings Tariff;

Film, motion picture,

Fruit, fresh or green (not cold pack nor frozen),

Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores,

(Continued in Item No. 41)

of Charge  
\*\* Intended listing transferred } Decision No. 66931  
to Item No. 41 }

EFFECTIVE APRIL 16, 1964

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

Correction No. 399

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p>APPLICATION OF TARIFF-COMMODITIES (Concluded) (Items Nos. 40 and 41)</p>
	<p>Rates in this tariff apply for the transportation of all commodities except the following:</p> <p>Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less,</p> <p>*Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles,</p> <p>Livestock,</p> <p>Milk, in milk shipping cans or in bottles in cases or crates,</p> <p>Motor vehicles when towed by a tow car,</p> <p>Mushrooms, fresh (not cold pack nor frozen),</p> <p>Newspapers; newspaper supplements, sections or inserts (not scrap nor waste),</p>
41	<p>Nuts, in the shell,</p> <p>Nuts, field shelled (rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed),</p> <p>Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less,</p> <p>Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services,</p> <p>Property transported to a United States Post Office for mailing and United States mail transported from a post office to the addressee thereof,</p> <p>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,</p> <p>Shipments weighing 10 pounds or less when transported by carriers which operate no vehicles exceeding a licensed weight of 4,000 pounds,</p> <p>Used property, viz.: household goods, office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff No. 4-B, and used property as described therein of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services,</p>

Vegetables, fresh or green (not cold pack nor frozen),  
Voting Booths, ballot boxes, election tents and election  
supplies when transported from or to polling places.

∅ Change        )  
\* Addition     ) Decision No.     **66931**

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San Francisco, California.  
Correction No. 400