

Decision No. 67494

**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. 345)  
(Filed July 3, 1964)

In the Matter of the Investigation for )  
the purpose of considering and deter- )  
mining revisions in or reissues of )  
Minimum Rate Tariff No. 14-A. )

Case No. 7857  
(Petition for Modification  
No. 1)  
(Filed July 3, 1964)

OPINION AND ORDER

Petitioner, E. & J. Gallo Winery, is engaged in the production and sale of wine and related products. By these petitions, it seeks to have established in Minimum Rate Tariff No. 14-A the same rates for the statewide transportation of "pomace, not fit for human consumption" in bulk as have been authorized for the transportation of grain, rice and related commodities.<sup>1</sup> Petitioner asks that all common carriers be authorized to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in these proceedings, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner states that it is a producer and processor of grape pomace, which is typical of pomace made from other fruits and vegetables. Petitioner further states that, in the trade, pomace is considered the waste or residue which remains after the juice or substance has been removed and is a product not fit for human consumption.

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<sup>1</sup> Decision No. 67397 dated June 16, 1964, in Cases Nos. 5432 (Order Setting Hearing dated November 26, 1963) and 7857.

Petitioner alleges that, though the commodity rates provided in Minimum Rate Tariff No. 2 are properly related to movements of pomace, the class rates which have application to many of such movements are unreasonable. It is further alleged that the movement in question is by agricultural haulers and is performed in a manner similar to that recently considered by the Commission. Decision No. 67397, supra, which was issued pursuant to such consideration, commented:

"...the proposal is a step in the interest of tariff simplification and would separate the rates and rules pertaining to truckload transportation of grain, rice and related commodities, including animal feeds, from the more elaborate tariff provisions set forth in Minimum Rate Tariff No. 2 which are designated primarily for the transportation of merchandise and other general freight."

Petitioner avers that pomace is comparable in classification characteristics to many of the commodities considered in the aforementioned opinion and is of even lesser value. It is further averred that pomace is transported by similar carriers on similar equipment.

Petitioner asserts that the proposal herein has been made known to shippers and carriers and the requested change is generally desired by such parties and will be in their best interest. Petitioner further asserts that the harvest season is rapidly approaching and accordingly there is a need for expedited action on such tariff revision. Ex parte consideration is requested.

Copies of the petitions were mailed to California Farm Bureau Federation and California Trucking Association. No objection to the granting of the petitions has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved herein. A public hearing is not necessary. The petitions will be granted. Minimum Rate Tariff No. 14-A will be amended accordingly by the order herein. In order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 2 will be amended by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 14-A (Appendix A to Decision No. 67397, as amended) is further amended by incorporating therein, to become effective August 10, 1964, First Revised Page 31 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 page 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 said Decision No. 67397, 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 5<sup>th</sup> day of July, 1964.

Frederick B. Holoboff  
President  
Carl E. Mitchell  
Edward W. Page  
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Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

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

SECTION NO. 5 - DISTANCE COMMODITY RATES	Item No.						
<p style="text-align: center;">COMMODITY DESCRIPTIONS</p> <p>Grain, Rice and Related Commodities:</p> <p>Grain, dried, threshed;            Corn or Maize (except popcorn);            Popcorn, not popped;            Sorghum Grains, threshed, or in heads unthreshed;            Rice;            Screenings, grain, corn, maize, sorghum grains or rice, unground;            beans, castor;            Seeds, viz.: Broom Corn, Flaxseed, Hemp, Millet, Rape, Sesame, Wild Mustard;            *Pomace, not fit for human consumption.</p>	500						
<p style="text-align: center;">APPLICATION OF RATES IN ITEM NO. 550 MAKING SPECIFIC REFERENCE HERETO</p> <p>Rates referring to this item are subject to varying minimum weights per shipment, dependent upon the number of units of carrier's equipment used, as shown below, regardless of the weight loaded in each unit of equipment. In no event shall the minimum weight per shipment be less than 48,000 pounds, or actual weight, whichever is greater.</p> <table border="0" style="width: 100%; margin-top: 20px;"> <thead> <tr> <th style="text-align: center;"><u>No. of Units of Equipment Used</u></th> <th style="text-align: center;"><u>Minimum Weight (In Pounds)</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">48,000</td> </tr> <tr> <td style="text-align: center;">2 or more</td> <td style="text-align: center;">96,000</td> </tr> </tbody> </table>	<u>No. of Units of Equipment Used</u>	<u>Minimum Weight (In Pounds)</u>	1	48,000	2 or more	96,000	510
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1	48,000						
2 or more	96,000						
<p>Ø Change        ) Decision No. 67494          * Addition     )</p>							
<p>EFFECTIVE AUGUST 10, 1964</p>							
<p>Issued by the Public Utilities Commission of the State of California,            San Francisco, California.            Correction No. 3</p>							