

ORIGINALDecision No. 67990

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 car-)
 riers 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. 339,
 Filed April 17, 1964

D. H. Marken, for Mitsui & Co., petitioner.
W. A. Dillon, J. C. Kaspar and A. D. Poe, for
 California Trucking Association, interested
 party.
George L. Hunt, for the Commission staff.

O P I N I O N

This matter was heard and submitted August 6, 1964 before Examiner Thompson, at Los Angeles. Copies of the petition and notice of hearing were served in accordance with the Commission's procedural rules.

Mitsui & Co., petitioner herein, markets tricalcium phosphate under the trade name "Tricaphos" in California. It requests that tricalcium phosphate (feed grade) be included in the list of commodities in List No. 4, Item 652½ of Minimum Rate Tariff No. 2. Said list names a number of commodities under the heading, "Feed, Animal or Poultry, and other articles not prepared for human consumption." The effect of adding tricalcium phosphate to List No. 4 would be to make it subject to commodity rates which are substantially lower than the class rates now applicable.

California Trucking Association is opposed to the petition because it would provide lower rates for the commodity and therefore would result in carriers receiving lower revenues for its transportation. Only the petitioner offered evidence in this proceeding.

Petitioner's product, Tricaphos, is phosphate rock which has been crushed, ground and processed to remove fluorine constituents. Its content is about 35 percent elemental calcium and 18 percent elemental phosphorus. Dicalcium phosphate (feed grade) is a similar product of phosphate rock containing about 25 percent elemental calcium and 18 percent elemental phosphorus. Both of those products are used for their phosphorus constituents as ingredients in animal and poultry feed. Except for certain types of feed where a low ratio of calcium to phosphorus is desired, the products are used interchangeably. The only value of these commodities for feed purposes is the phosphorus element contained therein. The nutritionist for California Milling Corporation, a producer of animal and poultry feed, testified that in addition to the two commodities mentioned above, other commodities are also used as sources of elemental phosphorus for animal and poultry feeds. In almost all instances, and particularly with respect to tricalcium phosphate and dicalcium phosphate, the prices of those commodities are fixed on the basis of the units of phosphorus contained therein. The purchase price per ton delivered of tricalcium phosphate and dicalcium phosphate is the same. The commodities are shipped in multiwall paper bags and weigh 100 pounds per bag.

Based upon the record, the Commission finds that:

1. The weight density, value, form of shipping container and handling characteristics of tricalcium phosphate (feed grade) are the same as those of dicalcium phosphate (feed grade).
2. Tricalcium phosphate (feed grade) is used as an ingredient of animal and poultry feed and, as such, is competitive with dicalcium phosphate and bone meal.

3. Dicalcium phosphate (feed grade) and bone meal are named in List No. 4 of Item 652½ of Minimum Rate Tariff No. 2 and therefore are subject to the commodity rates set forth in said tariff which are substantially lower than the class rates applicable to tricalcium phosphate (feed grade).

4. The minimum rates established by the Commission in Minimum Rate Tariff No. 2 for the transportation of dicalcium phosphate (feed grade) are, and for the future will be, the just, reasonable and non-discriminatory minimum rates to be charged by highway carriers for the transportation of tricalcium phosphate (feed grade).

We conclude that Minimum Rate Tariff No. 2 should be amended by the inclusion of tricalcium phosphate in List No. 4 of Item 652½.

As stated above, California Trucking Association did not present evidence; however, it appears to be desirable to comment concerning its assertions in opposition to this petition. Assuming, as stated by the association, that tricalcium phosphate is used as an ingredient in foodstuffs, that is not material here as List No. 4 provides that the commodities listed therein shall not be prepared for human consumption. In that connection, the agency of the State of California regulating the preparation and marketing of animal feed requires where tricalcium phosphate (feed grade) or dicalcium phosphate (feed grade) are used in the preparation of feed that they be shown on the list of ingredients only as calcium phosphate. Also, assuming, as asserted by the association, that the inclusion of tricalcium phosphate in List No. 4 of Item 652½ will result in carriers' receiving less revenue for the transportation of that commodity, such circumstance is not ^{controlling} ~~entitled to weight~~ where it has been shown that the Commission has established minimum commodity rates on one article and not another and the transportation characteristics and marketing conditions of both articles are virtually identical.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein, to become effective November 14, 1964, the revised pages attached hereto and by this reference made a part hereof, which pages are numbered as follows:

Thirty-second Revised Page 8
Sixth Revised Page 49-A

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.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 6th day of OCTOBER, 1964.

Frederick A. Holdhoff
President
Carl E. Fitch
George T. Hoover
William L. Bennett

Commissioners

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

INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Peas, cow	652-654½	Rams, Bit	365
Peas, dried	652-654½	Ravioli (prepared)	320
Peas, split or whole (M)	652-654½	Red Dog	652-654½
Peat Moss	652-654½	Redwood Bark	652-654½
Pectin, Fruit or Vegetable	320	Reels, Measuring	365
Peel, Fruit, citrus, dried, flaked or granulated	652-654½	Reels, Sand	365
Pellets, beet pulp, dry	652-654½	Refuse, Bean or Pea	652-654½
Perfumery	395	Refuse, Fruit, dried	652-654½
Permanent hair-waving sets	395	Refuse, Potato Pulp	652-654½
Peroxide, Hydrogen	385	Refuse, Tomato, wet	379.5
Petroleum and Petroleum Products as described in Governing Classification	377.5, 723-726	Repellants, insect (M)	377.5, 723-726
Petroleum Jelly	395	Residue, Saw Mill	382
Phosphate, Diammonium	652-654½	Residuum, Distillery Molasses, dry	652-654½
Phosphate, Dicalcium	652-654½	Residuum, Fish Oil	652-654½
*Phosphate, Tricalcium	652-654½	Residuum, fruit or vegetable	652-654½
Pickles	320	Rice-and-Milk	320
Pie Mix, Pizza	345	Rice, Brewers'	652-654½
Pie Preparations	320	Rice, Cleaned	652-654½
Pies, not baked, frozen	377.6	Rice, and other ingredients	345, 360
Piling	690, 710	Rice, Paddy	652-654½
Pimentos	320	Rig Irons	365
Pins, wooden	365	Rings and Wodges	365
Pipe, cast or wrought iron or steel	365	Rods, Polished or Valve	365
Pipe, cast iron pressure	378	Rods, Pull (M)	365
Pipe, cast iron soil	378	Rods, Sucker	365
Pipe, plate or sheet iron or steel	365	Rope (M)	365
Pizza Pie Mix	345	Rope, Wire	365
Plasterboard joint compound	378.2	Rose Water	395
Plugs, Cementing	365	Running Gears, steam boiler (M)	365
Plugs, Dry Hole	365	Rye	652-654½
Plywood	690, 710	Saddles, Jack	365
Poles	690, 710	Sago	360
Polish, floor (M)	377.5, 723-726	Sago (M)	652-654½
Polish, furniture (M)	377.5, 723-726	Salad Dressing Preparations	360
Polish, metal (M)	377.5, 723-726	Salads, Fish, Macaroni, Meat or Vegetable	360
Polish, Rice	652-654½	Salt	380
Polish, vehicle (M)	377.5, 723-726	Salt (M)	360
Pomace, Fruit	652-654½	Sandpaper	302
Pomace, Grape	652-654½	Sand Reels	365
Popcorn, not popped	360, 652-654½	Sandwich Spreads	320, 345
Popped Corn (M)	360	Sauce, pepper	320
Porter	310, 360	Sauces, table	320
Posts	690, 710	Sausage	320
Potatoes, cooked and powdered, other than frozen	360	Sausage casings	320

Potatoes, processed, cooked and powdered,	320	Savers, Oil	365
Potato Chips (M)	360	Saw Mill Residue	382
Pot Scourers (M)	360	Scourings	652-654 2
Poultry Litter	652-654 2	Scrap, Fish	652-654 2
Powder, Baking or Yeast	360	Scraps, dried meat	652-654 2
Powder, Sachet or Toilet	395	Screenings, Alfalfa Seed	652-654 2
Powders, Citrus Fruit Juice	360	Screenings, Bean or Pea	652-654 2
Power Pumps (M)	365	Screenings, Flaxseed	652-654 2
Powers, Pumping	365	Screenings, Grain, ground	652-654 2
Preservatives, wood (M)	377.5, 723-726	Screenings, Grain, unground	652-654 2
Protectors, Box and Pin	365	Screenings, Millet	652-654 2
Puddings	320	Screenings, Paddy Rice	652-654 2
Pulleys, Tug	365	Screenings, Pea	652-654 2
Pull Rod Blocks, wooden	365	Seed, Broom Corn	652-654 2
Pulp, Beet	652-654 2	Seed, Flaxseed	652-654 2
Pulp, Dried Fruit	652-654 2	Seed, Hemp	652-654 2
Pulp, Fruit, citrus, dried flaked or granulated	652-654 2	Seed, Melilotus	652-654 2
Pulp, Fruit or Vegetable	320	Seed, Millet	652-654 2
Pulp, Tomato, wet	379.5	Seed, Rape	652-654 2
Pummies	652-654 2	Seed, Sesame	652-654 2
Pumps, Power (M)	365	Seed, Sorghum	652-654 2
Puree, Tomato	320	Seed, Sunflower	652-654 2
		Seed, Sweet Clover	652-654 2

(M) Denotes articles on which application of rates is limited to mixed shipments.

/ Change }
 * Addition } Decision No. 67990

EFFECTIVE NOVEMBER 14, 1964

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 1545

Item No.	SECTION NO. 3 COMMODITY RATES (Continued)		
	(Applies in connection with rates making specific reference hereto.)		
	GRAIN, RICE, GRAIN PRODUCTS AND RELATED ARTICLES, viz.: Feed, Animal or Poultry, and other articles not prepared for human consumption, viz.:		
	LIST NO. 3:		
	Feed, Animal or Poultry (except cooked or baked cakes, biscuits or bread--see Note 1), consisting of mixtures or blended products of which 70% or more in weight is composed of two or more of the commodities in Paragraphs (a) and (b) below:		
	<table border="0"> <tr> <td style="vertical-align: top;">(a) Commodities shown in Lists N. s. 1 and 2 of Item No. 652, Commodities shown in List No. 4 below and List No. 5 of Item No. 652-3/4,</td> <td style="vertical-align: top;">Barley Hay Feed, cut or ground, Bean Straw Feed, cut or ground, Clover or Sorghum, cut or ground, Cotton Gin Waste, Wheat Cereal Offal.</td> </tr> </table>	(a) Commodities shown in Lists N. s. 1 and 2 of Item No. 652, Commodities shown in List No. 4 below and List No. 5 of Item No. 652-3/4,	Barley Hay Feed, cut or ground, Bean Straw Feed, cut or ground, Clover or Sorghum, cut or ground, Cotton Gin Waste, Wheat Cereal Offal.
(a) Commodities shown in Lists N. s. 1 and 2 of Item No. 652, Commodities shown in List No. 4 below and List No. 5 of Item No. 652-3/4,	Barley Hay Feed, cut or ground, Bean Straw Feed, cut or ground, Clover or Sorghum, cut or ground, Cotton Gin Waste, Wheat Cereal Offal.		
	<table border="0"> <tr> <td style="vertical-align: top;">(b) The following articles not to exceed 70% of the total weight of the prepared animal or poultry feed: Bran, Cottonseed, Fish Oil Residuum (Fish Presswater), Hulls, cottonseed, ground (Cottonseed Hull Bran), Milk or Buttermilk, dried, Milk, sour skim,</td> <td style="vertical-align: top;">Molasses, viz: Blackstrap, Beet Sugar Final, Corn Sugar Final (Hydrol) Oil Cake or Oil Cake Meal Rice Bran, Hulls or Polish.</td> </tr> </table>	(b) The following articles not to exceed 70% of the total weight of the prepared animal or poultry feed: Bran, Cottonseed, Fish Oil Residuum (Fish Presswater), Hulls, cottonseed, ground (Cottonseed Hull Bran), Milk or Buttermilk, dried, Milk, sour skim,	Molasses, viz: Blackstrap, Beet Sugar Final, Corn Sugar Final (Hydrol) Oil Cake or Oil Cake Meal Rice Bran, Hulls or Polish.
(b) The following articles not to exceed 70% of the total weight of the prepared animal or poultry feed: Bran, Cottonseed, Fish Oil Residuum (Fish Presswater), Hulls, cottonseed, ground (Cottonseed Hull Bran), Milk or Buttermilk, dried, Milk, sour skim,	Molasses, viz: Blackstrap, Beet Sugar Final, Corn Sugar Final (Hydrol) Oil Cake or Oil Cake Meal Rice Bran, Hulls or Polish.		
	Note 1.--Steaming as a process preliminary to further process of manufacture to produce animal or poultry feed as described in this list will not be considered cooking.		
	LIST NO. 4:		
	<table border="0"> <tr> <td style="vertical-align: top;">Feed, Animal or Poultry, viz.: Alfalfa, chopped, with or without sweetening ingredients, Alfalfa, ground and pressed into cubes or pellets, air-dry or otherwise dried, (1) Bean or Pea Refuse or screenings, Blood Flour, (2) Buttermilk, condensed, dried or in paste form, Cake, dried fruit seed (unfit for human consumption), Diammonium Phosphate (feed grade), Dicalcium Phosphate (feed grade), Distillery Molasses (residuum from molasses distillation), dry,</td> <td style="vertical-align: top;">Meal, viz.: (Continued) Dried Fruit Stem (unfit for human consumption), Feather, Fish, Fruit Pomace (unfit for human consumption), Hull or Shell, Nut, Meat, Molasses, Tomato Pomace, Vegetable, other than Oil Cake Meal, (2) Milk, dried Mineral Mixtures (See Note 2), (1) Peas, dried, unfit for human consumption and not suitable for seed, Potato Pulp Refuse (residue from alcohol distillation or manufacture of starch), with or without not to exceed 10% barley malt,</td> </tr> </table>	Feed, Animal or Poultry, viz.: Alfalfa, chopped, with or without sweetening ingredients, Alfalfa, ground and pressed into cubes or pellets, air-dry or otherwise dried, (1) Bean or Pea Refuse or screenings, Blood Flour, (2) Buttermilk, condensed, dried or in paste form, Cake, dried fruit seed (unfit for human consumption), Diammonium Phosphate (feed grade), Dicalcium Phosphate (feed grade), Distillery Molasses (residuum from molasses distillation), dry,	Meal, viz.: (Continued) Dried Fruit Stem (unfit for human consumption), Feather, Fish, Fruit Pomace (unfit for human consumption), Hull or Shell, Nut, Meat, Molasses, Tomato Pomace, Vegetable, other than Oil Cake Meal, (2) Milk, dried Mineral Mixtures (See Note 2), (1) Peas, dried, unfit for human consumption and not suitable for seed, Potato Pulp Refuse (residue from alcohol distillation or manufacture of starch), with or without not to exceed 10% barley malt,
Feed, Animal or Poultry, viz.: Alfalfa, chopped, with or without sweetening ingredients, Alfalfa, ground and pressed into cubes or pellets, air-dry or otherwise dried, (1) Bean or Pea Refuse or screenings, Blood Flour, (2) Buttermilk, condensed, dried or in paste form, Cake, dried fruit seed (unfit for human consumption), Diammonium Phosphate (feed grade), Dicalcium Phosphate (feed grade), Distillery Molasses (residuum from molasses distillation), dry,	Meal, viz.: (Continued) Dried Fruit Stem (unfit for human consumption), Feather, Fish, Fruit Pomace (unfit for human consumption), Hull or Shell, Nut, Meat, Molasses, Tomato Pomace, Vegetable, other than Oil Cake Meal, (2) Milk, dried Mineral Mixtures (See Note 2), (1) Peas, dried, unfit for human consumption and not suitable for seed, Potato Pulp Refuse (residue from alcohol distillation or manufacture of starch), with or without not to exceed 10% barley malt,		

66524

- | | |
|---|---|
| <p>②) Flavin Concentrate,
Flax Schives, cut or
ground with sweetening
ingredients,</p> <p>①) Fruit, dried, refuse or
substandard (unfit for
human consumption),
Fruit Peel or Pulp, citrus,
dried, and flaked or
granulated,
Kelp, dried or ground,
Meal, viz.:
Alfalfa (Ground Alfalfa),
with or without sweet
ening ingredients,
Bean Straw, with or without
sweetening ingredients,
Bone,
Bone, ground, and mo-
lasses, mixed,
Blood,
Clover, dehydrated grass
and/or ground clover,
Dried Fruit Seed (unfit
for human consumption),</p> | <p>Pulp, fruit dried, flaked or
granulated (unfit for
human consumption),</p> <p>①) Refuse, fruit dried (unfit
for human consumption),
Residuum fruit or vegetable,
dried,
Scrap, fish, ground or
pulverized, dry,
Scraps, dried meat,
Seeds, refuse or screening,
Seeds, dried, fruit (unfit
for human consumption),</p> <p>②) Skim Milk, condensed, dried
or in paste form,
Soybean Mill Feed (screening
from manufacture of soy-
bean flour),</p> <p>*Tricalcium Phosphate (feed
grade),
Urea (feed grade),</p> <p>②) Whey, condensed, dried or
in paste form,</p> <p>②) Yeast, residual, dried.</p> |
|---|---|

Note 2.-Includes Mineral Mixtures containing Calcium Car-
bonate, copperas, Epsom Salts, Sulphate of Soda,
Glauber's Salts, Sulphur of Potassium Iodide, with
or without not in excess of 10% by weight of other
unnamed ingredients.

- (1) Where commodity actually shipped is named in Item
Nos. 40 or 41, applies only when in physical mixture
with other articles in Items Nos. 652, 652 $\frac{1}{2}$ or 653.
- (2) When in packages, containers must be so branded,
labeled or marked as plainly to indicate that they
contain animal or poultry feed as described.

Change)
*Addition) Decision No. 67990

EFFECTIVE NOVEMBER 14, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1546