

Decision No. 68036**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the investigation into the rates,)
 rules and 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 (in-)
 cluding but not limited to, transportation for)
 which rates are provided in Minimum Rate Tariff)
 No. 2).)

Case No. 5432
 Petition for Mod-
 ification No. 355
 (Filed August 17,
 1964)

In the Matter of the Investigation for the purpose)
 of considering and determining revisions in or re-)
 issues of Exception Ratings Tariff No. 1.)

Case No. 7858

OPINION AND ORDER

By this petition the American Partition Company (a division of Standard Brands Incorporated) seeks the establishment of a truckload exception rating of Class "A", minimum weight 30,000 pounds for movements subject to the provisions of Minimum Rate Tariff No. 2 of:

"Partitions, NOI fibreboard, paper or wood pulp, not corrugated, flat, KD flat, folded flat or nested solid, in packages."

Under the governing provisions of Minimum Rate Tariff No. 2, the class ratings and minimum weights on Fibreboard Partitions, corrugated and not corrugated are set forth in Items Nos. 54800 and 54830, respectively, of the National Motor Freight Classification A-7 (Cal.).¹ Item No. 54800 provides a truckload rating of fifth class, minimum weight 24,000 pounds, on corrugated partitions, regardless of the form of shipment and Item No. 54830 of the Classification also provides a truckload rating of fifth class on partitions, not corrugated, subject to a minimum weight of 36,000 pounds, regardless of the form of shipment.

¹ Hereinafter referred to as the Classification.

Petitioner states that the commodity, for which it seeks the establishment of an exception rating, is manufactured at its plant located at Merced, California. It alleges that the density of this product, as shipped, is considerably higher than corrugated fibreboard partitions, for which like ratings are named in Item No. 54800 of the Classification, and should, therefore, normally entitle the product in question to a more favorable rating.² The petitioner alleges that it conducted a study for a ten-month period in 1963 which revealed that its shipments of Fibreboard Partitions, not corrugated, in the volume category, ranged from 10,000 pounds to over 30,000 pounds. Petitioner states that the shipments in lots of 10,000 pounds and 30,000 pounds reflect its customers' trade patterns which are apparently recognized on a nationwide basis since class ratings are provided for shipments in lots of 15,000, 24,000, and 36,000 pounds, respectively. In Exhibit "A", attached to the subject petition, a comparison is made of several interstate and intrastate common carrier tariffs which contain commodity rates or class ratings on Fibreboard Partitions, not corrugated, as well as other related paper products, equal to or lower in volume or effect, when transported in lots of 30,000 pounds or less, than currently applicable to the intrastate highway carrier traffic involved herein.³

While petitioner alleges that shipments within California are being penalized by higher less-truckload class ratings, no

2 Petitioner alleges a load factor of approximately 1500 pounds per linear foot of trailer length, densities of 25 pounds per cubic foot and greater, and an almost non-existent claim ratio.

3 Petitioner draws particular attention to the fifth class, minimum weight 24,000 pounds, and the fifth class, minimum weight 30,000 pounds exception ratings on certain related paper products set forth in Items Nos. 500 and 780 of the Commission's Exception Ratings Tariff No. 1.

adjustment in such ratings is being sought at this time. What petitioner allegedly requires, in order to meet its customers' trade policies, is an intermediate 30,000-pound truckload rating to alternate with the present fifth class 36,000-pound rating. In order to insure the establishment of an intermediate truckload minimum weight of 30,000 pounds, which will have little or no effect upon carrier revenues, petitioner requests that such intermediate truckload minimum weight be made subject to the Class "A" rather than the current fifth class truckload rating.

Petitioner states that its major movements are to Los Angeles and San Francisco at which points are also located petitioner's main competitors. Finally, petitioner avers that while it does not expect to alter the geographical advantage of its competitors, it feels it may reasonably request the opportunity to ship in lots of 30,000 pounds without having to pay for deficit weight.

Assertedly the proposed exception rating is desired by both shippers and carriers. The proposal will have but minor effect upon the resulting carrier freight charges. Ex parte action is requested.

Copies of the verified petition were mailed to various carriers, shippers, and associations known by petitioner to be interested. The California Trucking Association and Fibreboard Paper Products Corporation have informed the Commission by letter that they have no objection to the handling of the matter on an ex parte basis. In addition, Fibreboard specifically supports petitioner's proposal.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and justified, and that the resulting minimum rates and charges will be just, reasonable and non-discriminatory minimum rates and charges for the transportation of the commodity herein involved. A public hearing is not necessary. The petition will be granted.

IT IS ORDERED that:

1. Exception Ratings Tariff No. 1 (Appendix A to Decision No. 66195, as amended) is hereby further amended by incorporating therein, to become effective November 21, 1964, Fourth Revised Page 3 and First Revised Page 24, which pages are attached hereto and by this reference made a part hereof.

2. Tariff publications required 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 on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than November 21, 1964; and the tariff publications which are authorized but not required 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 said Decision No. 66195, 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 13th day of October, 1964.

Fredrick B. Holcomb
President
John J. Kitchin
Everett H. Page
William L. Durrell

Commissioners

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

INDEX OF COMMODITIES

COMMODITIES	Item Number	COMMODITIES	Item Number
Bagging	100	Games and Toys	595
Bags	100	Gelatine	597
Bakery Goods	120	Gypsum	600
Ballasts, Fluorescent Lamp	130		
Baskets, berry and fruit	140		
Batteries, dry cell	150	Hops	620
Beverage Preparations	160	Household Goods	640,660
Briquettes, wood	180		
Building Materials	840		
		Ice (water)	680
		Ice Cream	690
Canned Foodstuffs	220,221,240	Insecticides	700
Canned Goods	220,221,240		
Carriers, new	260		
Carriers, old (used)	280	Ladders, Step	900
Carriers, used packages	300,320,321,		
	340		
Catalogues	740	Magazines	740
Cellulose film	390	Material, Roofing,	
Cereal and Cereal	360,361,380,	Building or Paving.	840
Products	381		
Circulars	740	Paints	760
Clothing, staple work	400	Paper or Paper Articles	170,180
Coffee, extract of	420	*Partitions, not corrugated	785
Compounds, buffing or		Paving Materials	840
polishing	200	Periodicals	740
Compounds, cleaning,		Plastics, Synthetic	800, 810
scouring or washing	440	Preserved Foodstuffs	220,221,240
Compounds, paint, lacquer		Products, Cereal	360,361,380
or varnish reducing,			381
removing or thinning	760		
Compounds, tree and		Ranges, iron or steel	920
weed killing	460	Returned Shipments	820
Confectionery	480	Roofing Materials	840
Egg case or carrier		Sal-Soda	860
fillers or flats	500	Salt, common (Sodium	
Explosives	520	Chloride)	880
		Sheets, synthetic plastic	810
Fertilizers	540,560,580	Shipments, returned	820
Fillers, egg case or		Step Ladders	900
carrier	500	Stoves, iron or steel	920
Film, cellulose	390	Sugar	940
Flats, egg case or			
carrier	500	Titanium Dioxide	950
Floor Coverings	585,590		
Flowers, fresh, cut	592	Varnishes	760
Foodstuffs, canned or			
preserved	220,221,240	Wood Briquettes	180
Fungicides	700	Wood, fuel	960

* Addition, Decision No. 68036

EFFECTIVE NOVEMBER 21, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 18

SECTION NO. 2 - RATINGS WHICH ARE EXCEPTIONS TO THE GC (Continued)		Item No.
ARTICLES	Rating	
	LTL	TL
<p>Paper and Paper Articles, viz.:</p> <p>Bags, paper, printed or not printed, in bales, boxes, bundles or crates (see Note 2),</p> <p>Book, not surface coated, not otherwise indexed by name, in boxes, bundles, crates or rolls,</p> <p>Boxboard, in boxes, bundles, crates or rolls,</p> <p>Fruit Wrapping, cut to shape (printed or not printed), in bundles, boxes or crates,</p> <p>Manila Tag Board, in boxes, bundles, crates or rolls,</p> <p>Napkins (see Note 1), in bales, boxes, bundles or crates,</p> <p>Newsprint,) other than carbonized print, fibre Poster,) content consisting of not less) than 60 percent ground wood (will) not include paper which has been) processed after its original manu-) facture), in boxes, bundles, crates) or rolls, subject to Note 3,</p> <p>Paperboard, in boxes, bundles, crates or rolls,</p> <p>Pulpboard, in boxes, bundles, crates or rolls,</p> <p>Strawboard, in boxes, bundles, crates or rolls,</p> <p>Tissue, in boxes, bundles, crates or rolls,</p> <p>Toilet (see Note 1), in boxes, bundles, crates or rolls,</p> <p>Towels (see Note 1), in boxes, bundles, crates or rolls,</p> <p>Wrapping, not otherwise indexed by name, not fabric-lined, and exclusive of glazed, oiled, vegetable parchment, waxed or other grease proof paper, in boxes, bundles, crates or rolls,</p> <p>Wrapping, waxed.</p> <p>Minimum weight 30,000 lbs.</p> <p>NOTE 1.-Applies only on Napkins, Toilet Paper or Towels, when in mixed truckloads with one or more of the other articles named.</p> <p>NOTE 2.-With shipments of Paper Bags, printed or not printed, straight truckloads or when in mixed truckloads with Paper or Paper Articles, there may be included closing material Crepe Wrapping Paper; Twisted Paper Cord; Cotton Sewing Twine; Liquid Adhesive or Latex; Wax; Sealing Paper or Tape, subject to the following conditions:</p> <p>(a) The weight of the closing materials not to exceed five (5) percent of the total weight of the paper bags.</p> <p>(b) The weight of the closing materials will be charged on basis of rates named for paper bags.</p> <p>(c) The weight of the closing materials may be used to make up the minimum truckload weight prescribed for paper bags.</p>		<p>5</p> <p>780</p>

NOTE 3.-Shipping document must contain notation reading: "Newsprint Paper (or paper subject to this note), fibre content consisting of not less than 60 percent ground wood."

Partitions, NOIBN, fibreboard, paper or wood pulp, not corrugated; flat, KD flat, folded flat or nested solid, in packages. (1) Minimum truckload weight 30,000 pounds Minimum truckload weight 36,000 pounds (1) Applies only in connection with traffic moving under rates named in Minimum Rate Tariff No. 2.		A 5	*785
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* Addition, Decision No. 68036

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Correction No. 19