

Decision No. 68687

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. 358

And Related Matters.

Case No. 5435
Petition for
Modification No. 60

Case No. 7858
Petition for
Modification No. 1

J. Leonard and Peter J. Henricks, for The Nestle Company, Inc., petitioner.
C. D. Gilbert, H. F. Kollmyer, and A. D. Poe, for California Trucking Association, interested party.
John Specht, for the Commission staff.

O P I N I O N

These matters were heard on a consolidated record and were submitted November 20, 1964, before Examiner Thompson at San Francisco. Copies of the petitions and notice of hearing were served in accordance with the Commission's procedural rules. There were no protests.

The Nestle Company manufactures, among other things, products of chocolate, coffee, and tea, and distributes such products in California. It requests amendments to Minimum Rate Tariff No. 2 and Exception Ratings Tariff No. 1 in order to clarify

descriptions of "instant" coffee and tea and to place the ratings of both instant tea and instant coffee in the same items in the tariffs. Those proposed changes, which do not involve any changes in the applicable ratings, include amending descriptions in Item No. 420 of Exception Ratings Tariff No. 1 and Item No. 360 of Minimum Rate Tariff No. 2 to read: "Coffee or Tea, extract of (condensed or instant) dry." The underscored words are proposed to be added to the present descriptions. Item No. 72600 of National Motor Classification A-7 (California), to which the aforesaid items in the minimum rate tariffs are exceptions, contains the same language proposed herein by petitioner. Petitioner pointed out that the article subject to the ratings in Minimum Rate Tariff No. 2 and Exception Ratings Tariff No. 1 under the present commodity description "Coffee, Extract of (condensed) dry" is shipped throughout United States, as well as within California as "Instant Coffee."

Petitioner also proposed that the exception ratings in Item No. 375 of Minimum Rate Tariff No. 2 be transferred to Exception Ratings Tariff No. 1. The effect of this proposal would be to reduce the less-than-truckload rating from second class to fourth class for transportation within the Los Angeles Drayage Area (Minimum Rate Tariff No. 5) of: milk and cocoa compound; malt, milk and cocoa compound; milk malted; and milk food, other than liquid, other than malted milk.

Data contained in Exhibit 1, and a demonstration at the hearing of packages of "Nestles' Everready Cocoa," a milk and cocoa compound, and "Nestles' Chocolate Qwik," classified as cocoa, show that the physical shipping characteristics of the articles are identical. The small difference in the values per pound of the

articles is not significant for rating purposes. Within the Los Angeles Drayage Area cocoa moves at a less-truckload rating of fourth class, provided for in Item No. 480 of Exception Ratings Tariff No. 1.

Petitioner in its proposal has included all of the articles described in Item No. 375 solely for the purpose of clarification. It has a direct interest only in "Milk and cocoa compound." We note that the other articles compete for the consumer dollar with cocoa and with milk and cocoa compound.

We find that the proposed changes in Minimum Rate Tariff No. 2 and Exception Ratings Tariff No. 1 are reasonable and the ratings resulting therefrom are suitable and reasonable to govern the minimum rates established in Minimum Rate Tariff No. 2 and Minimum Rate Tariff No. 5 for the transportation of the commodities involved.

We conclude that Minimum Rate Tariff No. 2 and Exception Ratings Tariff No. 1 should be amended as proposed by petitioner. In order to avoid duplication in the distribution of tariff pages, the order herein will amend Exception Ratings Tariff No. 1, and Minimum Rate Tariff No. 2 will be amended by separate order.

O R D E R

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 10, 1965, the revised pages attached hereto, and by this reference made a part hereof, which pages are numbered as follows: Sixth Revised Page 3, Third Revised Page 20, and Second Revised Page 23.

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.

4. In all other respects, 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 Los Angeles, California, this 27th
day of MARCH, 1965.

Fredrick B. Hallock
President

George T. Brewer

Reginald

William W. Germond
Commissioners

* Addition, Decision No. 68687

EFFECTIVE APRIL 10, 1965

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 23

SECTION NO. 2 - RATINGS WHICH ARE EXCEPTIONS TO THE GC (Continued)			Item No.
ARTICLES	Rating		
	LTL	TL	
Cellulose film, not printed (transparent sheets of not nitrated cellulose film such as commonly used for wrapping purposes) or cellulose film combined or coated with plastic other than cellulose, in rolls exceeding 8½ inches in diameter, or in sheets not further processed than cut to size, in boxes or crates, or in wrapped bundles or rolls.	4		390
Clothing, staple work, viz.: Dungarees, coveralls, overalls, breeches, pants, shirts or jackets (see Note 1) made of any one or any combination of the following fabrics made wholly of cotton: Denim Drills Flannels Corduroys Moleskins Jeans Chambrays Coverts Duck Whipcords Twill Cottonades Poplins NOTE 1.-Includes work jackets with blanket lining made of cotton and not to exceed 50 percent of wool shoddy.	3		400
Coffee, *or Tea, extract of (condensed or instant), dry -----	4		420
Compounds, cleaning, scouring or washing, not otherwise indexed by name in the GC -----	4		440
Compounds, Tree and Weed Killing, not otherwise indexed by name in the GC, in packages, minimum truckload weight 30,000 lbs. -----	4	E	460
Confectionery, viz.: Butter, cocoa, Candy or Confectionery, noibn (see Notes 1 and 2), Candy Fondant (Candy Filler), Confectionery Paste or Powder, noibn, or Icing Paste (see Note 3), Chocolate, Chocolate Candy and Confectionery, including Milk Chocolate, Coating, candy other than chocolate, Coating, chocolate, Coating, ice cream, Cocoa, Cough Candy Drops or Tablets, noibn, in barrels or boxes, Gum, chewing, Nuts, shelled (nut meats), dry, including salted or sweetened nut meats, Powder, icing, Roasted Corn Kernels, whole, not popped, dry, salted or not salted.	4		480

NOTE 1.-Candy may contain not to exceed 10 per-
cent of yeast.

NOTE 2.-Rating also applies on Candy in toys made
wholly of glass or earthenware, except as the
closing device.

NOTE 3.-Rating applies on Candy Fondant (Candy
Filler), Confectionery Paste or Powder, such
as Glucose Paste or Powder or Marshmallow
Cream or Paste or Powder Preparations and
Icing Paste, but do not include Marshmallow
Candy or other finished Candy or Confectionery,
or Dessert Preparations.

Egg Case or Egg Carrier Fillers or Flats: Fibreboard, paper, pulpboard or strawboard, flat, folded flat, knocked down, or nested, in boxes, bundles, or in egg cases completely filled, in straight or mixed truckloads. Minimum weight 24,000 lbs.		5	500
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* Addition) Decision No. 68687

EFFECTIVE APRIL 10, 1965

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San Francisco, California.
Correction No. 24

SECTION NO. 2 - RATINGS WHICH ARE EXCEPTIONS TO THE GC. (Continued)		Item No.
ARTICLES	Rating	
	LTL	TL
Household Goods (other than uncrated property as described in Minimum Rate Tariff No. 4-B), described under that heading in the GC, value not to exceed 10 cents per pound, subject to packing requirements as provided for household goods in the GC (see Notes 1 and 2), charges must be prepaid or guaranteed. NOTE 1.--Will also apply on shipments in wheeled furniture or household goods containers. NOTE 2.--Shipments in lift vans are subject to a minimum charge of 6,000 lbs. at second class rate for each van and contents.	2	660
Ice (water), truckload minimum weight 30,000 lbs.		680
Ice Cream.	2	690
Insecticides or Fungicides, as described in the GC, under the heading of "Insecticides and Fungicides, Agricultural" (see Note 1), in packages. Polychlor Agricultural Insecticides or Fungicides, dry (see Note 2), in bags, barrels or boxes. NOTE 1.--Will not apply on articles or chemicals used as an ingredient of a spraying compound or a tree and scale wash, when shipped separately. NOTE 2.--Rating applies only on polychlor agricultural insecticides or fungicides prepared, represented and labeled as agricultural insecticides or fungicides, and does not apply on polychlor chemicals.	4	700
Lime, air slaked, in packages or in bulk, truckload minimum weight 40,000 lbs.		80% of E but not less than 7 1/2 cents per 100 lbs. 720
Magazines, Periodicals, Catalogues or Circulars, in packages.	4	740
Malt, milk and cocoa compound, Milk and cocoa compound, Milk, malted, Milk Food, other than liquid, other than malted milk.	4	*750

Paints or Varnishes, not otherwise indexed by name in the GC, Bronzing Liquids, Lacquers or Shellacs, liquid or paste.
Paint, Lacquer or Varnish Reducing, Removing or Thinning Compounds, not otherwise indexed by name in the GC.

4

760

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Correction No. 25