

Decision No. 69409

**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 fresh or green fruits and vegetables )  
and related items (commodities for which )  
rates are provided in Minimum Rate Tariff )  
No. 8). )

Case No. 5438  
(Petition for Modification  
No. 50)  
(Filed June 14, 1965)

OPINION AND ORDER

Potato Growers Association of California, a nonprofit corporation composed of potato growers and shippers, seeks on behalf of the interested shippers of potatoes the establishment in Minimum Rate Tariff No. 8 of a rate of 30 cents per 100 pounds, minimum weight 46,000 pounds per unit of carrier's equipment, for the transportation of potatoes in bulk from fields located in the vicinity of Lompoc to potato packing sheds located in or near Shafter. Petitioner requests that all common carriers be authorized to establish in their respective tariffs such modifications as may be prescribed in the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code, and that the sought relief be granted in time for the harvest of this year's plantings.

According to petitioner, one member of its association has already planted new acreage, not previously devoted to growing of commercial potato crops, in the immediate environs of Lompoc. It is intended that, if this generally productive coastal plain region attains anticipated yields in the present season, a new late season

planting area could be established there. Petitioner alleges that there are at present no packing sheds for potatoes in the vicinity of Lompoc, the nearest such facilities being located at Shafter, a distance of 180 constructive miles from Lompoc.

Petitioner states that the current minimum rate of 40 cents per 100 pounds, minimum weight 43,000 pounds, set forth in Minimum Rate Tariff No. 8 for the transportation of potatoes between Lompoc and Shafter, is not confined to conditions or circumstances relating to the field-to-packing house transportation of bulk potatoes in a single unit of carrier's equipment, loaded by consignor and unloaded by gravity, with shipper performing all services necessary to load and assuming all expenses incidental thereto, except driver's operation of carrier's motor power equipment. It is further stated that such rate is not supported by the costs attributable to the specialized field-to-packing house transportation of bulk potatoes in gravity-unloading vehicles.

Petitioner avers that the vehicles to be employed and the methods of loading such vehicles with potatoes in bulk from the field are no different from those described in the course of the hearings in Petition for Modification No. 44 in Case No. 5438 in respect to bulk movement of potatoes from the field at Guadalupe, and the highway movement will, as in the Guadalupe-to-Shafter operation, be in the same vehicles used for harvesting in the growing fields. Petitioner declares that it has shown in the above proceeding, and further substantiated by the Commission engineer's cost study, that the bulk movement rate from Guadalupe to Shafter (a distance of 170 constructive miles) is a just and reasonable minimum rate.<sup>1</sup>

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<sup>1</sup> Exhibit 30-23, pages 8 and 9, Petition for Modification No. 30 in Case No. 5438.

Petitioner asserts that the properly cost-related minimum rate for the transportation of potatoes from the field at or within 10 air miles of the City of Lompoc to packing houses at or within one air mile of the City of Shafter (a distance of from 180 to 190 constructive miles) should be not more than 30 cents per 100 pounds, if such transportation is made subject to all restrictions currently contained in Item No. 336 of Minimum Rate Tariff No. 8 for the bulk transportation of potatoes from Guadalupe to Shafter.

The certificate of service shows that a copy of the petition was mailed to all parties of record on June 11, 1965. No objection to the granting of the petition 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. A public hearing is not necessary. The petition, as hereinafter modified, should be granted. The authorized rate will be made to expire with July 1, 1966, in order that it may be reviewed after actual transportation conditions are experienced in connection with the proposed potato movement.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 8 (Appendix "C" to Decision No. 33977, as amended) is further amended by incorporating therein, to become effective August 14, 1965, Eighteenth Revised Page 34, 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 Decision No. 33977, 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 13<sup>th</sup> day of July, 1965.

Frederick B. Hallock  
President

George L. Grover

Augusta

William W. Powell  
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. 2 - POINT TO POINT COMMODITY RATES (In Cents per 100 Pounds)					
	POTATOES (OTHER THAN SWEET POTATOES OR YAMS) AND ONIONS, Minimum Weight 43,000 Pounds					
	MILES		Rate	MILES		Rate
Over	But Not Over	Over		But Not Over		
335	0	3	15	110	150	36
	3	5	15 $\frac{1}{2}$	150	160	37
	5	10	16	160	170	38
	10	15	16 $\frac{1}{2}$	170	180	39
	15	20	17	180	190	40
	20	25	18	190	200	41
	25	30	19	200	220	43
	30	35	20	220	240	45
	35	40	21	240	260	47
	40	45	22	260	280	49
	45	50	23	280	300	51
	50	60	24	300	325	53
	60	70	25	325	350	56
	70	80	26	350	375	57
	80	90	28	375	400	59
	90	100	29	400	425	63
	100	110	30	425	450	66
	110	120	31	450	475	69
	120	130	33	475	500	72
	130	140	35	500	525	75
				525	550	79
				550	600	85
				Over 600		(1)

(1) Rates as set forth in Item No. 300 will apply on all shipments over 600 miles.

POTATOES, in bulk, loaded by the consignor and unloaded by gravity, Minimum Weight 46,000 pounds per unit of carrier's equipment (See Note)

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From	To	Rate
Guadalupe and all points and places within ten air miles of the City of Guadalupe.	Shafter and all points and places within one air mile of the City of Shafter.	28
*Lompoc and all points and places within ten air miles of the City of Lompoc.		(2) 30

NOTE.-Rate applies when shipper performs all services necessary to accomplish loading and assumes all expenses incidental thereto, except for services of carrier's driver in connection with operation of carrier's motor power equipment.

(2) Expires with July 1, 1966

/ Change            )  
 \* Addition         ) Decision No.     **69409**  
 o Reduction        )

EFFECTIVE AUGUST 14, 1965

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California.  
 Correction No. 445