

Decision No. 69479

**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 relat- )  
ing 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. 51)  
(Filed June 28, 1965)

OPINION AND ORDER

Minimum Rate Tariff No. 8 names minimum rates, rules and regulations for the transportation of fresh or green fruits and vegetables and related articles by city and highway permit carriers. By this petition, California Trucking Association seeks to have Item No. 155 of the above tariff amended with respect to the additional charges provided therein when truck equipment is moved to an ice plant for refrigeration service. Petitioner asks that common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner proposes that the 18,000-, 24,000-, and 36,000-pound minimum weight brackets governing the additional charges for the movement of truck equipment to an ice plant for refrigeration service be revised to correspond with the 20,000-, 30,000- and 40,000-pound minimum weight brackets, which govern the minimum rates for the transportation services involved.

Petitioner states that Decision No. 68921 dated April 20, 1965, revised certain rates and rules for the transportation of fresh or green fruits and vegetables and related items as provided in Minimum Rate Tariff No. 8, but did not provide for any revisions in the provisions of Item No. 155 of the tariff. It is further stated that such action was responsive to request of the parties that no changes be made in such temperature control items pending further study. Petitioner alleges that it has now become apparent that maintenance of the historical weight brackets in this item creates an inconsistency with the revised weight brackets provided in the basic rate items and that contemplated studies will be complicated because of this difference in weight brackets. Petitioner avers that the charges for the proposed minimum weight brackets are directly related to present charges but predicated upon current rate brackets.

Petitioner asserts that the proposed tariff revisions will be in the best interests of both shippers and carriers and will simplify tariff usage and study. It is further asserted that ex parte consideration is necessary to expedite the requested tariff revisions in light of the rapidly approaching harvests.

The petition was listed on the Commission's Daily Calendar of June 29, 1965. Copies of the petition were mailed to various shippers and shipper associations on or about June 25, 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 should be granted.

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 September 4, 1965, Fifteenth Revised Page 14, attached hereto and by this reference made a part hereof.

2. The tariff amendment established in Ordering Paragraph 1 hereof may also be established by common carriers in connection with the transportation of:

- (a) commodities for which minimum rates have not been established, or
- (b) commodities which are subject to higher rates than, or more restrictive provisions than, the minimum rates or provisions otherwise applicable.

3. 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 September 4, 1965; 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 page incorporated in this order.

4. Common carriers, in establishing and maintaining the charges authorized hereinabove, are 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 charges published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. 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 21<sup>st</sup> day of July, 1965.

Frederick B. Holshoff  
President  
George E. Grover  
Augusta

Commissioners

Commissioner Peter E. Mitchell, 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.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)										
140	<p style="text-align: center;">APPLICATION OF RATES ON SHIPMENTS SUBJECT TO MINIMUM WEIGHTS IN EXCESS OF 10,000 POUNDS</p> <p>Rates in this tariff subject to minimum weights in excess of 10,000 pounds include loading into and unloading from carrier's equipment, subject to Note.</p> <p>NOTE.--When the time consumed in performing loading, unloading or accessorial services, or waiting to load or unload when shipper or his agent has specified a particular arrival time exceeds 8 minutes per ton (based on the weight on which transportation charges are computed), a charge of \$6.00 per hour shall be assessed for the time consumed in excess of 8 minutes per ton.</p>										
150	<p style="text-align: center;">ACCESSORIAL CHARGES</p> <p>An additional charge of \$4.15 per man per hour, minimum charge of \$2.05 shall be made for helpers for any accessorial or incidental service which is not authorized to be performed under the rates named in this tariff and for which a charge is not otherwise provided.</p>										
155	<p style="text-align: center;">REFRIGERATION - ICING</p> <p>Commodities, as described in Item No. 40, for which rates in this tariff apply may be refrigerated by the shipper or his agent, or by the carrier at the request of the shipper or his agent, by means of vehicle icing or bunker icing, subject to the following conditions:</p> <p>(a) Transportation charges for the weight of the ice used shall be based on the rate from point of origin to point of destination applicable on the commodity shipped. Iced shipments shall be weighed at the public scales located nearest the point at which shipments are iced.</p> <p>(b) Ice shall be furnished by or at the expense of the shipper.</p> <p>(c) Weight of the ice may be used to make up the applicable minimum weight.</p> <p>(d) When movement of truck equipment to ice plant is involved the following additional charges shall apply:</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: left;">Minimum Weight (In Pounds)</th> <th style="text-align: right;">Additional Charge (Per Shipment)</th> </tr> </thead> <tbody> <tr> <td>10,000 .....</td> <td style="text-align: right;">\$3.90</td> </tr> <tr> <td>20,000 .....</td> <td style="text-align: right;">005.10</td> </tr> <tr> <td>30,000 .....</td> <td style="text-align: right;">7.70</td> </tr> <tr> <td>40,000 .....</td> <td style="text-align: right;">02.10</td> </tr> </tbody> </table>	Minimum Weight (In Pounds)	Additional Charge (Per Shipment)	10,000 .....	\$3.90	20,000 .....	005.10	30,000 .....	7.70	40,000 .....	02.10
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(e) When shipments are reiced in transit no additional transportation charges will be assessed for the weight of the added ice except when a greater quantity of ice is added at time of reicing than when initially iced. In this event, transportation charges will be assessed on the weight of the shipment plus the weight of the ice added at time of reicing. The provisions of paragraph (b) and charges named in paragraph (d) of this item will also apply on reiced shipments.

o Change )  
o Increase ) Decision No. 69479  
o Reduction)

EFFECTIVE SEPTEMBER 4, 1965

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 446