

Decision No. 70363

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of 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

SUPPLEMENTAL OPINION AND ORDER

A question has arisen concerning the application of the exemption "poultry, live or dressed" in Minimum Rate Tariff No. 2 to frozen, eviscerated, raw, whole or cut up poultry.<sup>1</sup>

The exemption was established in 1938. In the interim, extensive changes have been made in the processing and distribution of dressed poultry. With these changes there have been contemporaneous changes in the common understanding and usage by the poultry processing industry of the term "dressed poultry." As a consequence, it appears that an inquiry should be made into cost and rates for this transportation. Meanwhile, pending the completion of the inquiry, the exemption should be restated in terms which will cover current general understanding and usages. In the interim period, the Commission staff will review and study this transportation and its studies and such other evidence as interested parties may offer will be considered by the Commission.

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<sup>1</sup>The question was considered by the Transportation Division in Informal Ruling No. 168. This ruling is tentative and provisional and was made in the absence of a formal decision upon the subject by the Commission.

In the circumstances, it appears, and the Commission finds, that the exemption should be restated as set forth in the ensuing order on a temporary basis pending receipt of evidence relating to the question of reasonable minimum rates for this transportation. The Commission concludes that the interim period should be limited to one year, unless canceled, changed or extended by order of the Commission.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective March 26, 1966, Forty-second Revised Page 15 and Third Revised Page 15-A 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 pages incorporated in this order.
3. Common carriers, in establishing and maintaining changes 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 changes published under this authority shall make reference to the prior orders authorizing the long- and short-haul departures and to this order.

4. In all other respects said Decision No. 31606, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of February, 1966.

Fredrick B. Holdhoff  
President  
George J. Hoover  
Augustin  
William W. Burnett  
Commissioners

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

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
441	<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES (Continued) (Items Nos. 40, 41 and 42)</p> <p>Rates in this tariff apply for the transportation of all commodities except as follows:</p> <p>Hops, House Trailers, set up, (1) Houses, as defined in Minimum Rate Tariff 16, or sections thereof, and integral parts or contents, when transported therewith, Hulls, almond, including shells and other waste from the hulling and shelling of almonds, not processed for use as animal or poultry feed, Ice Cream Mix, unflavored, Insecticides, agricultural, Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less, Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles, Livestock, Logs (wood), Milk, liquid (Subject to Note 2), Mushrooms, fresh (not cold pack nor frozen), Newspapers, newspaper supplements, sections or inserts (not scrap or waste), Nuts, in the shell, Nuts, field shelled (rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed), Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less, Pits, fruit, Pot Cheese, Poultry, dressed or eviscerated, or Poultry Parts, other than cooked, frozen or other than frozen (Subject to Note 15), Poultry, live, Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services, Sea Shells, crushed, ground, powdered or disintegrated (Subject to Note 5), Seed, cotton, Seed, safflower, Seeds, as described under that heading in the Governing Classification, when shipped from point of growth to an accumulation station or point of initial processing, or from an accumulation station to point of initial processing; in bulk, or in containers with a capacity exceeding 40 cubic feet, or in packages weighing 50 pounds or more, Shavings, wood, in bulk (Subject to Notes 13 and 14), Shell Marl, crushed, ground, or powdered, Shells, walnut, Shipments weighing 100 pounds or less when delivered from retail stores or retail warehouses where the property has been sold at retail by a retail merchant, or when returned to the original retail store shipper via the carrier which handled the outbound movement (Subject to Note 3), Shipments weighing 10 pounds or less when transported by carriers which operate no vehicles exceeding a licensed weight of 4,000 pounds (Subject to Note 12), Sulphur, United States mail transported for the Post Office Department under contract, Used Property, viz.: household goods, personal effects, furniture, musical instruments, radios, and office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff No. 4-B, and used property as described therein of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services,</p>

Property shipped to or from producers of motion pictures or television shows when transported subject to the rates, rules and regulations provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended, Property transported to a United States Post Office for mailing and United States mail transported from a post office to the addressees thereof (Subject to Note 11),

Vegetables, fresh or green, including mushrooms, fresh (not cold pack or frozen),  
Vegetables, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled vegetable.  
Vegetables, dried, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper Pods, Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.

(Continued in Item No. 42)

(1) Effective date stayed by Commission order dated January 5, 1965.

Change, Decision No. **70363**

EFFECTIVE MARCH 26, 1966

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 1686

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES (Concluded) (Items Nos. 40, 41 and 42)</p> <p>NOTE 1.-Includes only used empty carriers which are returning from an outbound paying load of traffic for which rates are not provided in this tariff, or which are being forwarded for a return paying load of traffic for which rates are not provided in this tariff (Subject to Item No. 80 of the Exception Ratings Tariff).</p> <p>NOTE 2.-Exemption applies only when commodities flagged subject to this note are shipped in milk shipping cans, in bottles in cases or crates, or in bulk in tanks.</p> <p>NOTE 3.-Exemption applies only when the distance between point of origin and destination does not exceed 35 miles, computed in accordance with the provisions of Item No. 100.</p> <p>NOTE 4.-Exemption applies only as to dried fruit in the natural state and which has not been cleaned, washed, stemmed or otherwise prepared or partially prepared for human consumption.</p> <p>NOTE 5.-Exemption does not apply to sea shells as described in Item No. 653.</p> <p>NOTE 11.-Exemption applies only to transportation between points within a radius of 25 miles of the intersection of 1st and Main Streets, Los Angeles, said mileage to be computed in accordance with the provisions of Item No. 100.</p> <p>NOTE 12.-Exemption applies only to transportation between points located within the Los Angeles Basin Territory as described in Item No. 270.</p> <p>NOTE 13.-Exemption expires with March 4, 1969.</p> <p>NOTE 14.-Exemption applies only to shavings to be utilized in the production of particleboard, flakeboard, hardboard, pulpboard or woodpulp.</p> <p>*NOTE 15.-Exemption expires with March 26, 1967.</p>
<p>Change * Addition</p>	<p style="text-align: right;">} Decision No. <b>70363</b></p>
<p>EFFECTIVE MARCH 26, 1966</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 1637</p>	

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