

Decision No. 70587

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. 408
(Filed February 10, 1966)

In the Matter of the Investigation)
for the purpose of considering and)
determining revisions in or reissues)
of Minimum Rate Tariff No. 14-A.

Case No. 7857
Petition for Modification No. 9
(Filed February 10, 1966)

O P I N I O N

Taylor-Wattron Company (petitioner) requests amendments to List No. 4 of Item No. 652-1/2 of Minimum Rate Tariff No. 2 and List No. 5 of Item No. 525 of Minimum Rate Tariff No. 14-A to include the commodity description "Coco Bean Shells or Hulls, not ground". Said lists describe certain commodities used for animal or poultry feed to which the commodity rates on grain are applicable.

Petitioner is a partnership engaged in the purchase and sale of various ingredients of animal or poultry feed within the State of California. In its business it ships and receives truckload shipments of unground coco bean shells and hulls, which is a by-product obtained in the processing of imported coco beans.

The petitions state that coco bean shells and hulls, not ground, are subject to a rating of Class C except that Class D is applicable in connection with volume incentive service; and, that the commodity rates on grain have been applied to coco bean shells

C. 5432 (Pet. 408)
C. 7857 (Pet. 9) GH

and hulls, ground, because of the listing in List No. 4 of Item 652-1/2 of Minimum Rate Tariff No. 2 of "Feed, animal or Poultry, viz.: Meal, vegetable, other than Oil Cake Meal". It is stated that one of petitioner's suppliers is grinding coco bean shells and hulls in order to take advantage of the lower grain commodity rates applicable to vegetable meal; however, petitioner has other suppliers that do not have the facilities for grinding coco bean shells and hulls.

The petitions contain data comparing the transportation characteristics of coco bean shells or hulls with other feed ingredients, including mill run and wheat bran.

Copies of the petitions were served upon California Trucking Association and California Farm Bureau Federation. Notice of the filing of the petitions appeared in the Commission's Daily Calendar on February 14, 1966. No objection to the granting of the petitions has been received.

We find that:

1. Coco bean shells and hulls, not ground, is an ingredient of animal or poultry feed and, as such, competes with commodities named in List No. 4 of Item No. 652-1/2 of Minimum Rate Tariff No. 2 and in List No. 5 of Item No. 525 of Minimum Rate Tariff No. 14-A.

2. The transportation characteristics of coco bean shells or hulls, not ground, are not less favorable than those of commodities generally named in the aforesaid Lists Nos. 4 and 5.

3. The minimum rates applicable to commodities named in the aforesaid Lists Nos. 4 and 5 are, and for the future will be, the just, reasonable and nondiscriminatory minimum rates for the transportation of coco bean shells or hulls, not ground.

We conclude that the aforesaid Lists Nos. 4 and 5 should be amended to include the commodity description coco bean shells or hulls, not ground, and that a public hearing is not necessary.

C. 5432 (Pet. 408)
C. 7857 (Pet. 9) GH

In order to avoid duplication in the distribution of tariffs, Minimum Rate Tariff No. 2 will be amended by the order herein and Minimum Rate Tariff No. 14-A will be amended by supplemental order.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein, to become effective May 30, 1966, the revised pages attached hereto, and by this reference made a part hereof, which revised pages are numbered as follows:

Thirtieth Revised Page 6
Thirty-seventh Revised Page 9
Eighth Revised Page 49-A

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

C. 5432 (Pet. 408)
C. 7857 (Pet. 9) GH

authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 19th day of APRIL, 1966.

President

George T. Hoover

William W. Bennett

Augusta

Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

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

INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Feed, Clover	652-654 ¹ / ₂	Gauges, Bit	365
Feed, Gluten	652-654 ¹ / ₂	Gelatine	360
Feed, Mill	652-654 ¹ / ₂	Generators, Electric (M)	365
Feed, Poultry	652-654 ¹ / ₂	Germ	652-654 ¹ / ₂
Feed, Sorghum (M)	652-654 ¹ / ₂	Glucose	360
Feed, Soybean Mill	652-654 ¹ / ₂	Grain Products, as described	652-654 ¹ / ₂
Feterita	652-654 ¹ / ₂	Grain	652-654 ¹ / ₂
Fire Brick (M)	365	Grains, Brewers'	652-654 ¹ / ₂
Fire Clay (M)	365	Grains, Distillers'	652-654 ¹ / ₂
Fish, cooked, pickled or preserved	320, 345	Grass, Sudan	652-654 ¹ / ₂
Fish, other than fresh or frozen	360	Grass, Water	652-654 ¹ / ₂
Fish Roe	320	Grate Bars	365
Fittings, Iron or Steel Pipe	365, 378	Grips	365
Flakes, Brewers'	652-654 ¹ / ₂	Grit	652-654 ¹ / ₂
Flakes, Hominy	652-654 ¹ / ₂	Grits	652-654 ¹ / ₂
Flavoring Compounds	360	Groats	652-654 ¹ / ₂
Flaxseed	652-654 ¹ / ₂	Guides, Wire Line	365
Flour, Bean	339, 652-654 ¹ / ₂	Gum, Chewing	360
Flour, Blood	652-654 ¹ / ₂	Handles, wooden	365
Flour, edible	360	Heads, Control Casing, Drive Pipe or Casing	365
Flour, Grain	339, 652-654 ¹ / ₂	Hegari	652-654 ¹ / ₂
Flour, Potato	339, 652-654 ¹ / ₂	Higera	652-654 ¹ / ₂
Flour, Prepared	339, 652-654 ¹ / ₂	Hominy	320-1, 652-654 ¹ / ₂
Flour, Rice	339, 652-654 ¹ / ₂	Hominy Flakes	652-654 ¹ / ₂
Flues, Boiler	365	Honey	320, 360
Fondant, Candy	360	Hooks, Casing, Sucker Rod, Throwoff or Tubing	365
Food, Baby	320	Horseradish	360
Food, Cereal	360	Horseradish, prepared	320-1
Food, Infants' or Invalids'	360	Hulls	652-654 ¹ / ₂
Food, Milk, other than malted, liquid	320	*Hulls, cocoa bean	652-654 ¹ / ₂
Food Preparations, Cereal (M)	360	Hulls, cottonseed	652-654 ¹ / ₂
Foodstuffs for human consumption	345, 620-630	Hulls, Rice	652-654 ¹ / ₂
Forges	365	Hulls, safflower seed	652-654 ¹ / ₂
Fruit (not dried, evaporated nor fresh)	320	Hulls, sunflower seed	652-654 ¹ / ₂
Fruit, candied, crystallized, glazed or stuffed	360	Hydrogen Peroxide	385
Fruit, crushed	320	Icings	360
Fruit, dehydrated, dried, or evaporated	350	Insecticides (M)	377.5, 723-726
Fruit Drink	320	Iron, Plate or Sheet	365
		Jacks, Oil Well Pumping	365
		Jacks, Well Tool	365
		Jam	320
		Jelly	320
		Joints, Rotary Tool and Sucker Rod	365
		Juice, Clam	320
		Juice, Fruit	320
		Kaffir Corn	652-654 ¹ / ₂

Fruit Juice Powders or Crystals, Citrus	360	Koliang	652-654 $\frac{1}{2}$
Fruit Peel, candied, crystallized, glazed or stuffed	360	Kelp	652-654 $\frac{1}{2}$
Fruit Syrup	360	Lard	335.5
Garlic Chips	320	Lard Compounds	335.5
Garlic Powder	320	Lard Substitutes	335.5
Gas, petroleum liquefied	377.5, 723-726	Lentils (M)	652-654 $\frac{1}{2}$

(M) Denotes articles on which application of rates is limited to mixed shipments.

* Addition, Decision No. 70587

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San Francisco, California.

Correction No. 1713

INDEX OF COMMODITIES (Concluded)			
COMMODITY	Item Number	COMMODITY	Item Number
Seeds as described under that heading in the Governing Classification	383, 652-654½	Soups	320
Seeds, dried fruit	652-654½	Sour, laundry	730-732
Seeds, refuse or screening	652-654½	Spaghetti (M)	652-654½
Semolina	652-654½	Spaghetti, except canned	360
Semolina and Grain Flour	652-654½	Spaghetti (prepared)	320, 360
Shakes	690, 710	Spaghetti and other ingredients	345, 360
Shallu	652-654½	Spelt	652-654½
Shampoo	395	Spices	360
Sheets, sawdust or ground wood, compressed	690, 710	Spiders	365
Shells (M)	652-654½	Spreads, sandwich	320-1
*Shells, cocoa bean	652-654½	Sprouts, Malt	652-654½
Shingles	690, 710	Spudding Shoes and Rings	365
Shives, flax, cut or ground	652-654½	Stain, wood (M)	377-5, 723-726
Shoes, Casing	365	Starch	730-732
Shook, box or crate	690, 710	Steam Boiler Trucks (M)	365
Shortening	335.5	Steel, plate or sheet (M)	365
Shorts	652-654½	Steel Wool and Soap, combined (M)	360
Shrock Kaffir	652-654½	Stirrups, Disconnecting	365
Skimmings	652-654½	Stout	310, 360
Slips	365	Sugar	390, 740, 745, 755
Smokestacks (M)	365	Swabs	365
Soap	730-732	Swivels, Hydraulic Rotary	365
Soap, liquid	377.5, 723-726, 730-732	Syrup	320-1
Soap, Powder	730-732	Syrup, Fruit	360
Soda, Washing	730-732	Syrup, Malt	360
Sodium Hypochlorite Solution	730-732	Table Sauces	320-1
Softeners, textile	730-732	Tailings, rice mill	652-654½
Solutions of Hydrogen Peroxide	385	Tankage, rendered, dry	652-654½
Solvent (M)	377.5, 723-726	Tanks, Iron or Steel (M)	365
Solvent, Drain pipe	730	Tanks, oil and gas separating (M)	365
Sorghum	652-654½	Tank Steel (M)	365
		Tapioca	360, 652-654½
(M) Denotes articles on which application of rates is limited to mixed shipments.			
* Addition, Decision No. 70587			
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Correction No. 1714			

Item No.	SECTION NO. 3 COMMODITY RATES (Continued)
	<p>(Applies in connection with rates making specific reference hereto.)</p> <p>GRAIN, RICE, SEEDS, GRAIN PRODUCTS AND RELATED ARTICLES, viz.: Animal or Poultry, and other articles not prepared for human consumption, viz.:</p> <p>LIST NO. 3: Feed, Animal or Poultry (except cooked or baked cakes, biscuits or bread--see Note 1), consisting of mixtures or blended products of which 70% or more in weight is composed of two or more of the commodities in Paragraphs (a) and (b) below:</p> <p>(a) Commodities shown in Lists Nos. 1 and 2 of Item No. 652, Commodities shown in List No. 4 below and List No. 5 of Item No. 652-3/4,</p> <p>Barley Hay Feed, cut or ground, Bean Straw Feed, cut or ground, Clover or Sorghum, cut or ground, Cotton Gin Waste, Wheat Cereal Offal.</p> <p>(b) The following articles not to exceed 70% of the total weight of the prepared animal or poultry feed: Bran, Cottonseed, Fish Oil Residuum (Fish Presswater), Hulls, cottonseed, ground (Cottonseed Hull Bran), Milk or Buttermilk, dried, Milk, sour skim,</p> <p>Molasses, viz: Blackstrap, Beet Sugar Final, Corn Sugar Final (Hydrol). Oil Cake or Oil Cake Meal Rice Bran, Hulls or polish.</p> <p>Note 1.--Steaming as a process preliminary to further process of manufacture to produce animal or poultry feed as described in this list will not be considered cooking.</p> <p>LIST NO. 4: Feed, Animal or Poultry, viz.:</p> <p>Alfalfa, chopped, with or without sweetening ingredients, Alfalfa, ground and pressed into cubes or pellets, air-dry or otherwise dried, (1) Bean or Pea Refuse or screenings, Blood Flour, (2) Buttermilk, condensed, dried or in paste form, Cake, dried fruit seed (unfit for human consumption), Diammonium Phosphate (feed grade), Dicalcium Phosphate (feed grade), Distillery Molasses (residuum from molasses distillation), dry,</p> <p>Meal, viz.: (Continued) Dried Fruit Stem (unfit for human consumption), Feather, Fish, Fruit Pomace (unfit for human consumption), Hull or Shell, Nut, Meat, Molasses, Tomato Pomace, Vegetable, other than Oil Cake Meal, (2) Milk, dried Mineral Mixtures (See Note 2), (1) Peas, dried, unfit for human consumption and not suitable for seed, Potato Pulp Refuse (residue from alcohol distillation or manufacture of starch), with or without not to exceed 10% barley malt,</p>

6652+

- (2) Flavin Concentrate,
Flax Shives, cut or
ground with sweetening
ingredients,
- (1) Fruit, dried, refuse or
substandard (unfit for
human consumption),
Fruit Peel or Pulp, citrus,
dried, and flaked or
granulated,
- *Hulls or Shells, cocoa
bean, not ground,
Kelp, dried or ground,
Meal, viz.:
- Alfalfa (Ground Alfalfa),
with or without sweet
ening ingredients,
Bean Straw, with or without
sweetening ingredients,
Bone,
Bone, ground, and mo-
lasses, mixed,
Blood,
Clover, dehydrated grass
and/or ground clover,
Dried Fruit Seed (unfit
for human consumption),
- Pulp, fruit dried, flaked or
granulated (unfit for
human consumption),
(1) Refuse, fruit, dried (unfit
for human consumption),
Residuum fruit or vegetable,
dried,
Scrap, fish, ground or
pulverized, dry,
Scraps, dried meat,
Seeds, refuse or screening,
Seeds, dried, fruit (unfit
for human consumption),
(2) Skim Milk, condensed, dried
or in paste form,
Soybean Mill Feed (screening
from manufacture of soy-
bean flour),
Tricalcium Phosphate (feed
grade),
Urea (feed grade),
(2) Whey, condensed, dried or
in paste form,
(2) Yeast, residual, dried.

Note 2.-Includes Mineral Mixtures containing Calcium Car-
bonate, Copperas, Epsom Salts, Sulphate of Soda,
Glauber's Salts, Sulphur of Potassium Iodide, with
or without not in excess of 10% by weight of other
unnamed ingredients.

- (1) Where commodity actually shipped is named in Items
Nos. 40 or 41, applies only when in physical mixture
with other articles in Items Nos. 652, 652½ or 653.
- (2) When in packages, containers must be so branded,
labeled or marked as plainly to indicate that they
contain animal or poultry feed as described.

Change)
* Addition) Decision No. 70587
o Reduction)

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