

**ORIGINAL**Decision No. 70908

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  
 property in the City and County of  
 San Francisco and the Counties of  
 Alameda, Contra Costa, Lake, Marin,  
 Mendocino, Monterey, Napa, Santa  
 Clara, Santa Cruz, San Benito, San  
 Mateo, Solano, and Sonoma.

Case No. 5441  
 Petition for Modification  
 No. 100  
 Filed February 23, 1966

J. C. Kaspar, A. D. Poe and H. F. Kollmyer,  
 for California Trucking Association,  
 petitioner.

Larry Borden, for Safeway Stores, Inc.,  
 interested party.

Theodore H. Peceimer, for the Commission  
 staff.

O P I N I O N

The California Trucking Association requests the cancellation of the present third class exception rating on drugs, medicines, chemicals and related articles named in Minimum Rate Tariff No. 1-B (East Bay Drayage Area). The rating in question is published as an exception to the classification rating named in the governing classification.<sup>1</sup>

Public hearing in this matter was held before Examiner Gagnon at San Francisco on April 5, 1966. Copies of the petition and notice of hearing were served in accordance with the Commission's procedural rules. The petition is not opposed.

<sup>1</sup> Minimum Rate Tariff No. 1-B is governed by the provisions of National Motor Freight Classification A-8 (Cal) as governed by National Motor Freight Classification A-8, collectively referred to herein as the governing classification.

Petitioner states that the exception provisions proposed to be canceled from Items 460 and 461 of Minimum Rate Tariff No. 1-B have not been changed basically since they were added to the tariff in 1937 by Decision No. 29594 (unreported) and no longer reflect the circumstances surrounding the distribution of the commodities involved. The commodity listing set forth in Item 460 and continued in Item 461 of the tariff has not been updated to reflect new products or to reflect relationships with other commodities and with changes in other tariff provisions which have affected their application.

The record discloses that certain commodities named in Item 460 are also named in other items in the tariff for which a lower exception rating of fourth class is provided. Petitioner also presented a comparison of commodities listed in Items 460 and 461 with the corresponding commodity descriptions and otherwise applicable class ratings set forth in the governing classification. The comparison demonstrated that the governing classification, in most instances, also provides a third class less-truckload rating, subject to certain released value requirements. In this connection petitioner makes reference to Decision No. 69857 of October 27, 1965, in Case No. 5432, wherein the Commission authorized cancellation of a third class less-truckload exception rating, named in Minimum Rate Tariff No. 2, applicable to intercity movements of toilet preparations, drugs, medicines and related articles. In authorizing that tariff revision, the Commission referred to testimony of the California Trucking Association as follows:

"... The third-class, less-truckload exception rating is based on a released value of the property not exceeding 50 cents per pound per article. It is alleged that under the provisions of the Governing Classification, the commodities in question

are also subject to a third-class, less-truckload rating based on released value provisions which are the same as those now set forth in MRT No. 2. Petitioner avers that, since the aforementioned classification provisions are now applicable in California, the need for an exception rating ... is no longer necessary ...."

The California Trucking Association contends that both shippers and carriers of drugs, medicines and related articles between points within the East Bay Drayage Area also have like intercity shipments moving under the recently amended provisions (Decision No. 69857) of Minimum Rate Tariff No. 2. Petitioner further explains that shippers, as a matter of course, generally utilize the released value provisions of the governing classification on all their shipments of drugs, medicines and related articles, even though such action is not required in connection with local movements within the East Bay Drayage Area. Petitioner contends that, in the light of the Commission's recent action in Decision No. 69857 and the classification ratings applicable under the released value provisions of the governing classification, there no longer is any justification for retaining the asserted outmoded and conflicting exception rating provisions of Items 460 and 461 of Minimum Rate Tariff No. 1-B.

The Commission finds that petitioner's proposal is reasonable and that the resulting minimum rates will be just, reasonable and nondiscriminatory minimum rates for the transportation of the commodities involved. We conclude that the petition should be granted. Minimum Rate Tariff No. 1-B will be amended accordingly by the order herein.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 1-B (Appendix B of Decision No. 65834, as amended) is hereby further amended by incorporating therein, to become effective August 6, 1966, the tariff pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix by this reference are made a part hereof.

2. 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 August 6, 1966; 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 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; 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. 65834, 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 28<sup>th</sup> day of JUNE, 1966.

Fredrick B. Holdcraft  
President

Robert L. [unclear]

George J. Gower

Avoyata

William W. [unclear]  
Commissioners

APPENDIX A TO DECISION NO. 70908

List of Revised Pages to Minimum Rate Tariff No. 1-B

Authorized by Said Decision

Seventh Revised Page 3

Fifth Revised Page 4

Fifth Revised Page 5

Seventh Revised Page 6

Sixth Revised Page 7

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Second Revised Page 31

Second Revised Page 32

(END OF APPENDIX A LIST)

**\*\*INDEX OF COMMODITIES AND EXCEPTIONS TO GOVERNING CLASSIFICATION**

Article	Item Number	Article	Item Number
Acid, Boracic	(2)	Butter, Peanut	(1)
Animal Feed	(2)		
Animal Food	(1)	Candles	(2)
		Candy	(2)
Bags, Paper	380	Canned Goods, Pickles and Preserves	400,800
Baking Powder	(2)	Cans, Tin or Sheet Iron	410
Ballasts, Fluorescent Lamp	385	Carriers(used), Empty, Returning	430
Beans	(2)	Castings, Iron or Steel	810
Beans-and-Pork	(1)	Catsup	(1)
Beverage Preparations	(2)	Cereals	(2)
Beverages (nonalcoholic)	(2)	Chairs, Theater	480
Bicarbonate of Sodium(Soda)	(2)	Cheese	450
Bird Food, Gravel or Seed	(2)	Chewing Gum	(2)
Blacking, Shoe	(2)	Chocolate	(2)
Bleaching Compound	(2)	Chocolate Candy or Confectionery	(2)
Bluing, Laundry	(2)	Chocolate Coating	(2)
Boracic Acid	(2)	Cigarettes	820
Borax	(2)	Cigars	820
Boxes, Fibreboard, pulp-board, strawboard	387	Cocoa	(2)
Broths	(1)	Cocconut	(2)
Butter	450	Cocconut (canned)	(1)

- (1) See Canned Goods, Pickles and Preserves, as described in Item No. 400.  
 (2) See Groceries and Grocers' Supplies, as described in Item No. 500.

\*\*Various commodities and items eliminated, Decision No. **70908**

EFFECTIVE AUGUST 6, 1966

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California.  
 Correction No. 129

**\*\*INDEX OF COMMODITIES AND EXCEPTIONS TO GOVERNING CLASSIFICATION (Continued)**

Article	Item Number	Article	Item Number
Coffee	(2)	Egg Yolk	(1)
Coffee Substitutes	(2)	Eggs	450
Colorings, Confectioners'	(2)	Eggs, Shelled	(2)
Compounds, Cleaning, Scouring, Washing	(2)	Exterminators, Vermin	(2)
Compounds, Food Curing, Preserving or Seasoning	(2)	Extracts	(2)
Compounds, Lard	(2)	Feed, Animal	(2)
Condiments (prepared)	(1)	Feed, Poultry	(2)
Confectionery	(2)	Fig Paste	(2)
Confectioners' Colorings	(2)	Fish (canned)	(1)
Confectioners' Paste	(2)	Fish, other than fresh	(2)
Cooling Boxes	440	Fish Oil	520
Cooling Rooms	440	Flour	(2) 830
Corn (canned)	(1)	Fondant	(2)
Corn Oil	(1)(2)	Food, Animal	(1)
Cottonseed Oil	(1)(2)	Food, Baby	(1)
Dairy Products	450	Food, Bird	(2)
Desks, School	480	Food Curing, Preserving or Seasoning Compounds	(2)
Dessert Preparations	(2)	Foundry Patterns	810
Diglycerides of Fat-forming Acids	(2)	Freezing Boxes	440
Dressing, Salad	(1)	Freight	900
Dressing, Shoe	(2)	Fruit, Candied, Crystallized, or Stuffed	(2)
		Fruit (canned)	(1)
		Fruit, Dried	(2) 800
		Fruit Juice	(1)(2)
		Fungicides	(2)
		Furniture	480

- (1) See Canned Goods, Pickles and Preserves, as described in Item No. 400.
- (2) See Groceries and Grocers' Supplies, as described in Item No. 500.

**\*\* Various commodities and items eliminated, Decision No. 70908**

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Correction No. 130



\*\*INDEX OF COMMODITIES AND EXCEPTIONS TO  
GOVERNING CLASSIFICATION (Continued)

Article	Item Number	Article	Item Number
Gelatine	(2)	Lard	(2)
Glass	110	Lard Compounds or Substitutes	(2)
Grain	(2)	Lard Oil	(2)
Grain Products	830	Linseed Oil	520
Gravel, Bird	(2)	Liquors, Malt	(2)
Groceries and Grocers' Supplies	500		
Gum, Chewing	(2)		
		Macaroni	(2)
		Macaroni (cooked)	(1)
Hominy	(1)	Malt Liquors	(2)
Honey	(2)	Meal	(2)
Hops	(2)	Meats (canned)	(1)
Horseradish	(2)	Meats, other than fresh or frozen	(2)
		Milk (canned)	(1)
		Milk Chocolate Candy or Confectionery	(2)
Icing Paste	(2)	Mince Meat	(1)
Iron or Steel Castings	810		
Jam	(1)		
Jelly	(1)		
Juice, Fruit	(1) (2)		
Juice, Sauerkraut	(2)		
Juice, Tomato	(1)		
Juice, Vegetable	(1)		

(1) See Canned Goods, Pickles and Preserves, as described in  
Item No. 400.

(2) See Groceries and Grocers' Supplies, as described in  
Item No. 500.

\*\* Various commodities and ) Decision No. 70908  
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Correction No. 131

\*\*INDEX OF COMMODITIES AND EXCEPTIONS TO  
GOVERNING CLASSIFICATION (Continued)

Article	Item Number	Article	Item Number
Molasses	(1)	Olives	(1)
Monoglycerides of Fat-forming Acids	(2)	Onions	(2)
Mushrooms	(1)		
Mustard	(1) (2)	Paint Material	520
		Paints	520
Noodles	(2)	Paper Bags	380
Noodles (cooked)	(1)	Paper Boxes	387
Nuts	(2)	Paraffin	(2)
Nut Meats	(2)	Parcel City Delivery (Wholesale)	840-850
		Paste, Confectioners' or Icing	(2)
		Paste, Fig	(2)
Oil, Cooking	(2)	Patterns, Foundry	810
Oil, Corn	(1) (2)	Peanut Butter	(1)
Oil, Cottonseed	(1) (2)	Peas, Dried	(2)
Oil, Edible	(2)	Pectin	(1)
Oil, Fish	520	Petroleum	550
Oil, Lard	(2)	Petroleum Products	550
Oil, Linseed	520	Pickles	(1)
Oil, Olive	(1)	Pies, not baked, frozen	560
Oil, Salad	(1) (2)	Polish, Shoe	(2)
Oil, Soybean	(1) (2)	Popcorn (not popped)	(2)
Oleomargarine	(2)	Potatoes	(2)
Olive Oil	(1)	Powder, Baking	(2)
		Preserves	(1)
		Puddings	(1)
		Puree, Tomato	(1)
		Putty	520

(1) See Canned Goods, Pickles and Preserves, as described in Item No. 400.

(2) See Groceries and Grocers' Supplies, as described in Item No. 500.

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Correction No. 132

\*\*INDEX OF COMMODITIES AND EXCEPTIONS TO  
GOVERNING CLASSIFICATION (Continued)

Article	Item Number	Article	Item Number
Ranges	600	Soups	(1)
Refrigerators	440	Soybean Oil	(1) (2)
Relishes (prepared)	(1)	Spaghetti	(2)
Repellents, Insect	(2)	Spaghetti (cooked)	(1)
Rice	(2)	Spices	(2)
		Starch	(2)
		Stoves	600
Sago	(2)	Substitutes, Coffee	(2)
Salad Dressing	(1)	Substitutes, Lard	(2)
Salad Oil	(1) (2)	Sugar	(2)
Sal-soda	(2)	Sulphur	(2)
Salt	(2)	Syrup	(1) (2)
Sandwich Spread	(1)		
Sauces (prepared)	(1) (2)	Tables, School	480
Sauerkraut Juice	(2)	Tapioca	(2)
Sausage (canned)	(1)	Tea	(2)
School Desks	480	Theater Chairs	480
School Seats	480	Tire Supplies	610
School Tables	480	Tires	610
Seats, School	480	Titanium Dioxide	620
Seed, Bird	(2)	Tobacco	820
Shoe Dressing, Blacking or Polishes	(2)	Tomato Juice	(1)
Shortening	(2)	Tomato Puree	(1)
Snuff	820	Triglycerides of Fat- forming Acids	(2)
Soap	(2)	Turpentine	520
Soap Powder	(2)		
Soda Ash	(2)		
Sodium, Bicarbonate of	(2)		

(1) See Canned Goods, Pickles and Preserves, as described in  
Item No. 400.

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Correction No. 133

**\*\*INDEX OF COMMODITIES AND EXCEPTIONS TO GOVERNING CLASSIFICATION (Concluded)**

Article	Item Number	Article	Item Number
Vegetable Juice	(1)	Wax, Laundry Compound	(2)
Vegetable Oil Shortening	(2)	Welsh Rarebit	(1)
Vegetables (canned)	(1)	Wine	640
Vermicelli	(2)		
Vermicelli (cooked)	(1)		
Vermin Exterminators	(2)	Yeast	(2)
Vermouth	640		
Vinegar	(1)		

- (1) See Canned Goods, Pickles and Preserves, as described in Item No. 400.
- (2) See Groceries and Grocers' Supplies, as described in Item No. 500.

\*\*Various commodities and items eliminated, Decision No. 70908

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 Correction No. 134

SECTION NO. 1--RULES AND REGULATIONS (Continued)	Item No.
<p>◊ Item canceled. Other exception ratings in this tariff or ratings in the Governing Classification apply.</p>	<p>6460</p>
<p>           ◊ Change )            ◊ Increase ) Decision No. <b>70908</b>            ◊ Reduction )         </p>	
<p>EFFECTIVE AUGUST 6, 1966</p>	
<p>Issued by the Public Utilities Commission of the State of California,            San Francisco, California.            Correction No. 135</p>	

SECTION NO. 1—RULES AND REGULATIONS (Continued)	Item No.
<p>◊◊ Item canceled. Other exception ratings in this tariff or ratings in the Governing Classification apply.</p>	<p>461</p>
<p>           ◊ Change        )            ◊ Increase     )    Decision No. <b>70908</b>            ◊ Reduction   )         </p>	
<p>EFFECTIVE AUGUST 6, 1966</p>	
<p>Issued by the Public Utilities Commission of the State of California,            San Francisco, California.            Correction No. 136</p>	