

**ORIGINAL**

Decision No. 71689

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. 437)  
(Filed November 9, 1966)

OPINION AND ORDER

By this petition, California Almond Growers Exchange seeks to have established in Minimum Rate Tariff No. 2 exception ratings of 90 percent of fourth class, less truckload, and fifth class and Class C, truckload, minimum weights 30,000 and 42,000 pounds, respectively, for the transportation of edible shelled nuts when the declared or agreed value thereof does not exceed 25 cents per pound. 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 requests expedited action in this matter because of the seasonal distribution of the commodity involved.

Petitioner states that shelled nuts should be subject to the same tariff provisions that now govern shipments of dried fruit because of the similarity in their characteristics and in their uses and for purposes of tariff simplification. Petitioner avers that the density and value for both dried fruits and shelled nuts with the

aforementioned limitation are comparable and that other attributes embraced within the transportation and distribution of the commodities involved are also similar.

Petitioner alleges that the proposed revision has been discussed with interested shippers, carriers, and their industry representatives and that adoption of the proposed tariff revision is desired by them.

Copies of the petition were served upon California Farm Bureau Federation, California Trucking Association, Diamond Walnut Growers, Inc. and Dried Fruit Association. The petition was listed on the Commission's Daily Calendar of November 10, 1966. California Farm Bureau Federation has informed the Commission by letter that it supports petitioner's proposal. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal, as hereinafter modified, is reasonable and that the resulting minimum rates will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition, as modified, should be granted.

Petitioner's proposed tariff amendment includes reference to Items 141740 and 141760, Sub. 1, of National Motor Freight Classification A-9 for a detailed description of the shelled nuts. Item 141740 only describes "nuts in the shell," which are exempt from the minimum rates named in Minimum Rate Tariff No. 2 and also not involved in petitioner's request. The commodity description for shelled nuts will therefore not make reference to Item 141740. Item No. 360 of the above tariff sets forth a truckload exception rating of fifth class, minimum weight 30,000 pounds, for the transportation of groceries and grocery supplies, including shelled nuts, without a limitation on the declared or agreed value of such property. This

rating on shelled nuts conflicts with and negates the proposed 30,000-pound exception rating on that commodity in Item No. 350 of the tariff and will be duplicated in the latter item only for the convenience of the tariff user.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" to Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective January 14, 1967, Forty-sixth Revised Page 7 and Second Revised Page 37-E, 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 the ratings 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 ratings 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. 31606, as amended, shall remain in full force and effect.

5. In all other respects, Petition for Modification No. 437 in Case No. 5432 is hereby denied.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of December, 1966.

*John L. Baskill*  
President

*George H. Grover*

*Fredrick B. Holloff*

*Augustin*

*William W. Bennett*  
Commissioners

## INDEX OF COMMODITIES (Continued)

COMMODITY	Item Number	COMMODITY	Item Number
Lime, Chlorinated	730-732	Meats, fresh	376
Liquid, cigar or cigarette lighter (M)	377.5, 723-726	Mechanics' Tools (M)	365
Liquors, Malt	360	Meters, water, or parts	376.5
Liquors, Vinous	360	Middlings	652-654½
Lubricant, Grease Binder	377.5, 723-726	Military toilet kits	395
Lubricant, metal cutting, drawing or drilling (M)	377.5, 723-726	Milk	345
Lumber	690, 700, 710	Milk (condensed, evaporated or sterilized)	320
Lye, Concentrated	730-732	Milk, dried	652-654½
Macaroni (M)	652-654½	Milk Food, other than malted, liquid	320
Macaroni, except canned	360	Milk, Malted	360
Macaroni (prepared)	320	Milk, Pasteurized	345
Macaroni, dry, and other ingredients	345, 360	Milk Solids, dry	345
Maize	652-654½	Milk, sour skim	652-654½
Malt	652-654½	Milk, Sterilized	320, 345
Malt Sprouts	652-654½	Milk Substitutes	345
Malted Milk	360	Milo Maize	652-654½
Mash	652-654½	Mince Meat	320
Mayonnaise	320-1	Mix, Pizza Pie	345
Meal, Alfalfa	652-654½	Mixtures, Mineral	652-654½
Meal, Babassu Nut	652-654½	Molasses	320-1, 652-654½
Meal, Bean Straw	652-654½	Molasses, Blackstrap	652-654½
Meal, Bone	652-654½	Molasses, Beet Sugar Final	652-654½
Meal, Blood	652-654½	Molasses, Corn Sugar Final (Hydrol)	652-654½
Meal, Clover	652-654½	Monoglycerides of Fat-forming Acids	335.5
Meal, Clover, ground	652-654½	Mud or Compounds, well drilling	365
Meal, Coconut	652-654½	Mushrooms	320-1
Meal, Copra	652-654½	Mustard	360
Meal, Corn Germ	652-654½	Mustard, prepared	320-1
Meal, Corn Oil (M)	652-654½	Noodles (M)	652-654½
Meal, Dried Fruit Seed	652-654½	Noodles and Cheese	345
Meal, Feather	652-654½	Noodles, except canned	360
Meal, Fish	652-654½	Noodles (prepared)	320
Meal, Flaxseed	652-654½	Noodles, dry, and other ingredients	345, 360
Meal, Fruit pomace	652-654½	Nuts, edible, shelled	*350-360
Meal, Gluten	652-654½	Oats	652-654½
Meal (Grain)	652-654½	Oats, rolled	652-654½
Meal, Grass, dehydrated	652-654½	Offal	652-654½
Meal, Hemp Seed	652-654½	Offal, Wheat Cereal	652-654½
Meal, Hull or Shell, Nut	652-654½	Oil, Cooking	320-1, 335.5
Meal, Kapok Seed	652-654½	Oil, Fish (M)	652-654½
Meal, Linseed	652-654½		
Meal, Meat	652-654½		
Meal, Mesquite (M)	652-654½		

Meal, Molasses	652-654 <sup>2</sup>	Oil, Olive	320-1
Meal, Oil Cake	652-654 <sup>2</sup>	Oil (other than medicinal) (M)	377.5, 723-726
Meal, Palm	652-654 <sup>2</sup>	Oil, petroleum medicinal (M)	377.5, 723-726
Meal, Palm Kernel	652-654 <sup>2</sup>	Oil, Salad	320-1, 335-5
Meal, Peanut	652-654 <sup>2</sup>	Oleomargarine	335-5
Meal, Perilla	652-654 <sup>2</sup>	Olives	320-1
Meal, Perilla Seed	652-654 <sup>2</sup>	Onion Chips	320
Meal, Rape Seed	652-654 <sup>2</sup>	Onion, Powdered	320
Meal, Rice	652-654 <sup>2</sup>	Outfits, insect destroying (M)	377.5, 723-726
Meal, Safflower Seed	652-654 <sup>2</sup>	Outfits, Oil, Water or Gas Well	365
Meal, Sesame Seed	652-654 <sup>2</sup>	Paint, asphaltic (M)	377.5, 723-726
Meal, Soya Bean	652-654 <sup>2</sup>	Paint, liquid (M)	377.5, 723-726
Meal, Sunflower Seed	652-654 <sup>2</sup>	Paper, abrasive	302
Meal, Tomato Pomace	652-654 <sup>2</sup>	Paper, emery	302
Meal, Tucum Nut	652-654 <sup>2</sup>	Parts, Boiler (M)	365
Meal, Vegetable	652-654 <sup>2</sup>	Paste, Confectionery	360
Meal, Velvet Bean	652-654 <sup>2</sup>	Paste, Icing	360
Meat (Animal Feed)	338	Paste, Tomato	320-1
Meat, other than fresh	360	Peaches, powdered	350
Meat Substitutes	360	Peanut Butter	320-1
Meats, cooked, cured or preserved	320, 345	Peanut Spread	320-1

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

\*Addition, Decision No. 71689

EFFECTIVE JANUARY 14, 1967

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 1817

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)	
	<p style="text-align: center;">EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)            (Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)</p>	Class Rating
#350	<p>Fruits, Dried, viz.: (See Items Nos. 40 through 42 of this tariff) (See Note 1.)            Apples (77020)            Bananas, powdered (77040)            Figs, powdered (77120)            Fruits, dried or evaporated, NOI, not candied, crystallized, glazed nor stuffed (77140)            Peaches, powdered (77240)            Peel, grapefruit, lemon or orange, dried (77300)            Prunes, powdered (77360)            *Nuts, edible, shelled (111760, Sub 1) value declared in writing by the shipper or agreed upon in writing as the released value of the property, as the case may be, must be entered on the shipping document as follows:            (See Note 2.)</p> <p style="text-align: center;">"The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding 25 cents per pound for each article."</p> <p>Less truckload -----            Truckload:              Minimum Weight 30,000 Pounds -----              Minimum Weight 42,000 Pounds -----</p> <p>(E)NOTE 1.--When palletized shipments are transported at truckload rates under the provisions of this item, and are subject to minimum weights of not less than 20,000 pounds, the empty pallets may be transported from point of destination of shipment to its point of origin without charge, subject to the terms and conditions in Item No. 45 of this tariff.</p> <p>*NOTE 2.--Shipments subject to rates based on a minimum weight of 30,000 pounds are not subject to the declared or agreed value provisions set forth herein.</p>	<p style="text-align: center;">90% of 4  5 C</p>
<p>(E) This note expires with December 31, 1967.</p> <p>             # Change            )              * Addition        ) Decision No. <b>71689</b>              b Reduction        )           </p>		
EFFECTIVE JANUARY 11, 1967		
<p style="text-align: center;">Issued by the Public Utilities Commission of the State of California,            San Francisco, California.            Correction No. 1818</p>		