

**ORIGINAL**

Decision No. 71977

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. 440)  
(Filed January 16, 1967)

And Related Matters )

Cases Nos. 5435, 5439 and 5441  
(Petitions for Modification  
Nos. 86, 54 and 119,  
respectively)  
(Filed January 16, 1967)

OPINION AND ORDER

Minimum Rate Tariff No. 2, City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B, 5 and 9-B name minimum rates and rules for the transportation of general commodities by highway carriers statewide, city carriers within San Francisco and city carriers and highway carriers between points in the East Bay, Los Angeles and San Diego drayage areas, respectively. By these petitions, Pacific Dairy & Poultry Association seeks (1) to have established in the above tariffs various exception ratings for the transportation of dressed or eviscerated poultry and poultry parts<sup>1</sup>

---

<sup>1</sup>The following ratings are sought: first class, any quantity and fourth class, minimum weight 10,000 pounds in all of the above tariffs; fifth class, minimum weight 30,000 pounds, and Class B, minimum weight 36,000 pounds, in City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B and 2; 65 percent of first class, minimum weight 36,000 pounds, in Minimum Rate Tariff No. 9-B; and Class C, minimum weight 42,000 pounds, in Minimum Rate Tariff No.2.

and (2) to have exempted from the application of the rates named in the aforementioned drayage tariffs the transportation of live poultry. Petitioner asks that all common carriers be authorized to establish in their respective tariffs all such modifications as may be prescribed by the Commission's orders in these proceedings, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code. Petitioner requests that action in this matter be expedited so that orderly revisions in distribution programs may be made prior to March 26, 1967.

Petitioner states that the provisions of the above tariffs governing the transportation of poultry produced and shipped within the State of California have not been updated in a comprehensive manner for many years. Dependent upon the particular product and the particular points of origin and destination, petitioner alleges that the presently applicable tariffs provide for complete exemption of the movement, the application of special rates or the use of class rates, and that the criteria utilized for differentiation and the resultant charges for transportation are not definite and clear.

Petitioner declares that the proposed tariff revisions are consistent with current Commission policies involving agricultural movements and recognize technological changes in carrier equipment and operating practices of shippers and carriers of poultry. Petitioner avers that the proposed tariff changes have been reviewed by the various shippers and carriers of poultry and their representatives and that the tariff revisions are generally desired by such parties and will be in their best interests.

Copies of the verified petitions were mailed to interested parties, including California Farm Bureau Federation and California Trucking Association, on or about January 12, 1967. The petitions were listed on the Commission's Daily Calendar of January 17, 1967. No objection to the granting of the petitions has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal, as hereinafter modified, is reasonable, that the resulting minimum rates will be just, reasonable and non-discriminatory minimum rates for the transportation of dressed or eviscerated poultry and poultry parts and that the increases involved are justified. Items Nos. 360 and 730 of City Carriers' Tariff No. 1-A and Minimum Rate Tariff No. 1-B, respectively, provide that the fifth class rates named therein apply in connection with Class B, C, D and E truckload ratings set forth in the Governing Classification and the sought Class B ratings will not therefore be established in such tariffs. A public hearing is not necessary. The Commission concludes that the petitions, as modified, should be granted. Minimum Rate Tariff No. 2 will be amended accordingly by the order herein. In order to avoid duplication of tariff distribution, City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 1-B, 5 and 9-B will be amended by separate orders.

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 March 26, 1967, Thirty-ninth Revised Page 8, Forty-fifth Revised Page 15, Fourth Revised Page 15-A and Sixth Revised Page 38-C, attached hereto and by this reference 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 March 26, 1967; and 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 ratings and rules 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 and rules 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.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of February, 1967.

*John E. Blalock*  
President  
*William G. Bernard*  
*August*  
*William J. Lyons*  
*Fred P. Morrison*  
Commissioners

INDEX OF COMMODITIES (Continued)			
COMMODITY	Item Number	COMMODITY	Item Number
Peas, cow	652-654½	Pulp, Fruit or Vegetable	320,320-1
Peas, dried	652-654½	Pulp, Tomato, wet	379.5
Peas, split or whole(M)	652-654½	Pummies	652-654½
Peat Moss	652-654½	Pumps, Power (M)	365
Pectin, Fruit or Vegetable	320-1	Puree, Tomato	320-1
Peel, fruit, candied, crystallized, glazed or stuffed	360	Ravioli (prepared)	320-1
Peel, fruit, citrus, dried, flaked or granulated	652-654½	Red Dog	652-654½
Peel, grapefruit, lemon or orange, dried	350	Redwood Bark	652-654½
Pellets, beet pulp, dry	652-654½	Refuse, Bean or Pea	652-654½
Peroxide, Hydrogen, solutions of	385	Refuse, Fruit, dried	652-654½
Petroleum and Petroleum Products as described in Governing Classification	377.5,723-725	Refuse, Potato Pulp	652-654½
Phosphate, Diammonium	652-654½	Refuse, Tomato, wet	379.5
Phosphate, Dicalcium	652-654½	Repellents, insect (M)	377.5,723-726
Phosphate, Tricalcium	652-654½	Residue, Sawmill	382
Pickles	320-1	Residuum, Distillery	652-654½
Pie Mix, Pizza	345	Molasses, dry	652-654½
Pie Preparations	320-1	Residuum, Fish Oil	652-654½
Pies, not baked, frozen	377.6	Residuum, fruit or vegetable	652-654½
Piling	690,710	Rico-and-Milk	320-1
Pimentos	320-1	Rice, Brewers'	652-654½
Pipe, cast iron pressure	378	Rice, Cleaned	652-654½
Pipe, cast iron soil	378	Rice, dry, and other ingredients	345,360
Pipe, iron or steel, cast or wrought, plate or sheet	365	Rice, Paddy	652-654½
Pipe, iron or steel, well casing or drilling	365	Rods, Pull (M)	365
Pizza Pie Mix	345	Rods, Sucker	365
Plasterboard joint or topping cement or compound	378.2	Rope (M)	365
Plasterboard joint system	378.2	Running Gears, steam boiler (M)	365
Plywood	690,710	Rye	652-654½
Poles	690,710	Sago	360
Polish, boat, floor, furniture or vehicle	730-732	Sago (M)	652-654½
Polish, floor (M)	377.5,723-726	Salad Dressing	
Polish, furniture (M)	377.5,723-726	Preparations, dry	360
Polish, metal (M)	377.5,723-726	Salads, Fish, Macaroni, Meat or Vegetable	360
Polish, Rice	652-654½	Salt, common	380
Polish, vehicle (M)	377.5,723-726	Salt (M)	360
Pomace, Fruit	652-654½	Sandpaper	302
Pomace, Grape	652-654½	Sandwich Spreads	320-1,345
Popcorn, not popped	360,652-654½		
Popped Corn (M)	360		

Porter	310, 360		
Posts	690, 710		
Potatoes, cooked and powdered, other than frozen	360		
Potatoes, processed, cooked and powdered	320-1		
Potato Chips (M)	360		
Pot Scourers (M)	360		
*Poultry and Poultry Parts	379		
Poultry Litter	652-654½		
Powder, Baking	360		
Powders, Citrus Fruit Juice	360		
Powder, Yeast	360		
Power Pumps (M)	365		
Preservatives, wood(M)	377.5, 723-726		
Preserves	320		
Prunes, powdered	360		
Puddings	320-1		
Pulp, Beet	652-654½		
Pulp, Dried Fruit	652-654½		
Pulp, Fruit, citrus, dried, flaked or granulated	652-654½		
Sauce, pepper		320-1	
Sauces, table		320-1	
Sausage		320-1	
Sausage casings		320-1	
Sawmill Residue		382	
Scourings		652-654½	
Scrap, Fish		652-654½	
Scraps, dried meat		652-654½	
Screenings, Alfalfa Seed		652-654½	
Screenings, Bean or Pea		652-654½	
Screenings, Flaxseed		652-654½	
Screenings, Grain, ground		652-654½	
Screenings, Grain, unground		652-654½	
Screenings, Millet		652-654½	
Screenings, Paddy Rice		652-654½	
Screenings, Pea		652-654½	

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

\* Addition, Decision No. **71977**

EFFECTIVE MARCH 26, 1967

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

Correction No. 1822

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		
	APPLICATION OF TARIFF-COMMODITIES (Continued) (Items Nos. 40, 41 and 42)		
	Rates in this tariff apply for the transportation of all commodities except as follows:		
	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p>Hops, House Trailers, set up Houses 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 of 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, live, Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services,</p> </td> <td style="vertical-align: top; width: 50%;"> <p>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> </td> </tr> </table>	<p>Hops, House Trailers, set up Houses 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 of 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, live, Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services,</p>	<p>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>
<p>Hops, House Trailers, set up Houses 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 of 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, live, Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services,</p>	<p>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>		

41

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)

Change )  
\*\*Commodity Eliminated ) Decision No. 71977

EFFECTIVE MARCH 26, 1967

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 1823



Cancels

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)
	APPLICATION OF TARIFF-COMMODITIES (Concluded) (Items Nos. 40, 41 and 42)
	<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 style="text-align: center;">***</p>

42

∅ Change  
 \*\* Note Eliminated } Decision No. 71977

EFFECTIVE MARCH 26, 1967

Issued by the Public Utilities Commission of the State of California,  
 San Francisco, California  
 Correction No. 1824

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)</p> <p>(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
377.5	<p>Petroleum and Petroleum Products, in packages, as described in and subject to the provisions of Items Nos. 723 and 723-1 of this tariff.</p> <p>Minimum weight 20,000 pounds -----                      Minimum weight 30,000 pounds -----                      Minimum weight 36,000 pounds -----                      Minimum weight 42,000 pounds -----                      Minimum weight 40,000 pounds -----</p> <p>(1) Not applicable on asphalt (asphaltum), natural, by-product or petroleum, liquid, other than paint, stain or varnish (15220).</p> <p>(2) Applicable only on asphalt (asphaltum), natural, by-product or petroleum, liquid, other than paint, stain or varnish (15220).</p>	90% of 4 5 B (1) C (2) D
377.6	<p>Pies, not requiring baking, frozen (21190)                      Pies, NOI, not baked, requiring baking, frozen (74340)</p> <p>Less truckload -----                      Minimum weight 20,000 pounds -----                      Minimum weight 36,000 pounds -----</p>	2 4 5
378	<p>Pipe, cast iron pressure (51200), not less than 12 feet and not more than 18½ feet in length, in straight shipments or in mixed shipments with cast iron pressure pipe fittings.</p> <p>Pipe, cast iron soil (51290), not less than 2 feet and not more than 11 feet in length, in straight shipments, or in mixed shipments with cast iron soil pipe fittings.</p> <p>Minimum weight 36,000 pounds -----</p>	5

378.2	Plasterboard Joint System consisting of plastering compound with paper, metal or fabric tape, with or without applicator; or Plasterboard Joint or Topping Cement or Compound (35240).  Less truckload -----	4
* ◇ 379	Poultry and Poultry Parts (134740)  Less truckload ----- Minimum Weight 10,000 Pounds ----- Minimum Weight 30,000 Pounds ----- Minimum Weight 36,000 Pounds ----- Minimum Weight 42,000 Pounds -----	1 4 5 3 C
*Addition } Decision No. <b>71977</b> ◇Increase }		
EFFECTIVE MARCH 26, 1967		
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 1825		