

Decision No. 72489

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 fresh or green fruits and vegetables)
and related items (commodities for)
which rates are provided in Minimum)
Rate Tariff No. 8).)

Case No. 5438
Petition for Modification
No. 58
(Filed April 4, 1967)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 72488, entered today in Case No. 5433
(Petition for Modification No. 24) et al., provided that Distance
Table 6 should be made to govern the distance rates named in
Minimum Rate Tariffs Nos. 3-A, 8 and 14-A effective January 1, 1968.
The decision also provided that, in order to avoid duplication of
tariff distribution, Minimum Rate Tariff No. 8 should be amended
by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 8 (Appendix C of Decision No.
33977, as amended) is further amended by incorporating therein, to
become effective July 1, 1967, Thirteenth Revised Page 4, attached
hereto and by this reference made a part hereof.

2. The basis for constructively increasing highway mile-
ages prescribed by the Commission in Decision No. 72081 dated
February 28, 1967, in Case No. 7024, is hereby adopted, established
and approved as the just, reasonable and nondiscriminatory basis
for computing distances for use in applying distance rates in
Minimum Rate Tariff No. 8.

3. The rates and charges set forth in Minimum Rate Tariff No. 8 determined under the provisions of Distance Table 6 and the rules and regulations governing such rates and charges are hereby established as the minimum reasonable and sufficient rates and charges to be published, assessed, charged, collected and observed by all common carriers as defined in the Public Utilities Act for the transportation of fresh fruits and vegetables and related items between the points for which rates are provided in the tariff.

4. Common carriers need not file with this Commission a distance table for the transportation of fresh fruits and vegetables and related items but may instead publish in their tariffs the following provision to be made applicable only to distance rates for the transportation of said commodities:

"Distances to be used in connection with distance rates named herein shall be determined in accordance with Distance Table 6 issued by the Public Utilities Commission of the State of California."

5. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective January 1, 1968, on not less than ten days' notice to the Commission and to the public; 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 January 1, 1968, and

may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than March 2, 1968.

6. Common carriers are authorized to adopt Distance Table 6 as the basis for computing distances for use in applying distance rates in their common carrier tariffs for the transportation of:

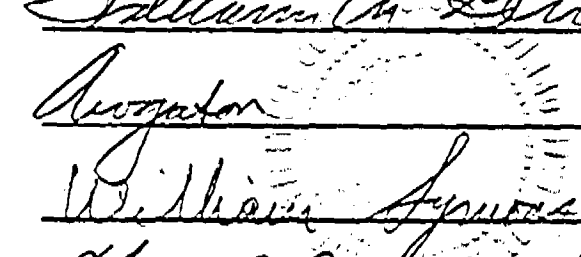
- (a) commodities for which minimum rates have not been established, or
- (b) commodities which are subject to higher rates than, or more restrictive provisions than, the minimum rates or provisions otherwise applicable.

7. Common carriers 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 provisions published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

8. In all other respects Decision No. 33977, 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 23rd day of May, 1967.


John E. Mitchell
President
William C. Russell
Auditor
William Spruce, Jr.
Fred P. Mansueti
Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL APPLICATION
	<p data-bbox="669 430 1202 498" style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p data-bbox="343 524 1458 650">BUNKER ICING means placing ice in bunkers or compartments in carrier's equipment, separate or apart from the cargo area thereof, but not including the providing of mechanical means for distributing the cool air, such as fans.</p> <p data-bbox="343 682 1475 776">CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p data-bbox="343 808 1450 1242">COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; any interstate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b) (6) or Section 203(b) (8) of Part II of the Interstate Commerce Act.</p> <p data-bbox="216 1305 274 1343">ø10</p> <p data-bbox="343 1267 1450 1431">COMPONENT PART means any part of a shipment separately received by the carrier whether or not such part is separately delivered by the carrier; and any part of a shipment separately delivered by the carrier whether or not such part is separately received by the carrier.</p> <p data-bbox="343 1443 1475 1519">CONTAINER ICING means placing ice within the package with the fruit or vegetable shipped.</p> <p data-bbox="459 1544 1293 1607">ø(1)DISTANCE TABLE means Distance Table No. 5. *(2)DISTANCE TABLE means Distance Table 6.</p> <p data-bbox="335 1620 1351 1721">DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p data-bbox="343 1721 1409 1821">ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p data-bbox="343 1847 1450 2010">HOLIDAYS means New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Admission Day, Thanksgiving Day and Christmas Day. When such holidays fall on Sunday, the following Monday shall be considered a holiday.</p> <p data-bbox="343 2036 1450 2199">INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p data-bbox="343 2225 1450 2300">PICKUP AND DELIVERY CHARGE means the full charge applicable without the deduction authorized by Item No. 120.</p>

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. (See also Item No. 120, paragraph 2.)

POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation; except that all locations within a single plant or shipping area of one consignor, and all locations within a radius of 100 yards from a single point, within a single field will be considered as one point of origin. A single plant or shipping area shall include only contiguous property which shall not be deemed separate if intersected only by a public street or thoroughfare.

POWER EQUIPMENT means any gasoline, diesel, electric or gas driven equipment including electric powered cranes and lift-truck equipment.

(Continued in Item No. 11)

- (1) Expires with December 31, 1967.
(2) Effective January 1, 1968.

o Change)
* Addition) Decision No. 72489

EFFECTIVE JULY 1, 1967

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

Correction No. 481