

BEM

Decision No. 73317

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.)

Case No. 5432
Petition No. 475
(Filed September 28, 1967)

OPINION AND ORDER

Avoset Company, a manufacturer of milk and related products, seeks a revision of the commodity description for sterilized milk and cream as provided in Item No. 345 of Minimum Rate Tariff No. 2.

The petition alleges that Avoset presently manufactures and ships at the rates provided in Item No. 345 of Minimum Rate Tariff No. 2, milk and cream, sterilized or pasteurized, and milk or cream substitutes processed from vegetable, soybean or grain products, with or without other ingredients, in hermetically sealed glass or metal containers, in boxes or in gas-charged dispensing cans. It has purchased equipment which will permit it to ship these products hermetically sealed in paper-polyethylene laminate packages or in plastic packages. Avoset anticipates that shipments in paper-polyethylene laminate packages will be ready for movement within 30 days. Avoset has purchased equipment which will be used to package the described commodities in plastic. It anticipates that shipments so packaged will begin to move in approximately 6 months.

The petition further alleges that shipping characteristics of these commodities are the same, regardless of whether the container is metal, glass, paper or plastic. These commodities when containerized in paper or plastic will be less valuable than when containerized in glass or metal. The rate provided by Item No. 345 should therefore be made applicable to these products when shipped in containers other than metal or glass. This is essential to Avoset, so that its products, when packed in paper or plastic, can compete with products containerized in glass or metal.

The petition states that ex parte action is requested because the movement to be covered by the proposed amendment will begin in the immediate future.

Copies of the petition were served in accordance with the Commission's procedural rules and the petition was listed on the Commission's Daily Calendar of September 29, 1967. No objection to the granting of the petition has been received.

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

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 December 16, 1967, Fourteenth Revised Page 37-D, 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 shall be filed not earlier

than the effective date of this order and 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 page 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 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-five days after the date hereof.

Dated at San Francisco, California, this 7th day of NOVEMBER, 1967.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

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
<p>#345</p>	<p>FOODSTUFFS FOR HUMAN CONSUMPTION, viz.: (See Note 2)</p> <p>Fish, cooked, pickled or preserved (72930, 72950 or 72970), with or without fruit or vegetable ingredients, in bulk in boxes,</p> <p>Macaroni, noodles, spaghetti or vermicelli (73750), or rice (74570), dry, not cooked, with cheese, fish, meat or poultry, vegetables or other ingredients, in combined packages in boxes (not less than 55 percent of the gross weight of the combined packages shall be that of the ingredients named, in metal cans),</p> <p>Meats, cooked, cured or preserved (73180, 134620, 134640, 134660 or 134680), with or without cereal or vegetable ingredients, in bulk, in crates or boxes, or in inner containers or packages, other than those specified in Item No. 320 of this tariff, in crates or boxes,</p> <p>Milk (not malted), Buttermilk (not casein), Dry Milk Solids (73880), or Whey (75440 or 75450), in inner containers of earthenware, glass, metal cans or packages, in outer containers of boxes; or in bulk in barrels, fibre cans, boxes, double bags or multiple-wall paper bags,</p> <p>(2) Milk or Cream, Sterilized or Pasteurized (55660, 72740, 73900 or 74000), or Milk or Cream Substitutes, processed from vegetable, soybean or grain products (74000 or *74040), with or without other ingredients, in hermetically sealed tinner containers in boxes, or in gas-charged dispensing cylinders or cans,</p> <p>Pizza Pie Mix (74360), consisting of flour, yeast and sauce with or without cheese, in combined packages in boxes (not less than 50 percent of the gross weight of the combined packages shall be that of the ingredients named, in metal cans),</p> <p>Sandwich Spreads (74680), in paper cartons in boxes,</p> <p>Spaghetti and Cheese or Noodles and Cheese (73750), with sauce, in combined packages in boxes (not less than 55 percent of the gross weight of the combined packages shall be that of the ingredients named, in metal cans).</p> <p>Less truckload -----</p> <p>Truckload:</p> <p>Minimum Weight 30,000 pounds -----</p> <p>Minimum Weight 36,000 pounds -----</p> <p>Minimum Weight 42,000 pounds -----</p> <p>Minimum Weight 45,000 pounds -----</p>	<p>90% of 4</p> <p>5</p> <p>B</p> <p>C</p> <p>(1) D</p>

- (1) Not applicable to shipments which are subject to charges for temperature control service.
- (2) Subject only to the less truckload rating shown in this item.

Not subject to Item No. 300 of this tariff, see Note 1.

NOTE 1.--(a) Rates or ratings applicable on shipments in boxes will apply also to such shipments in fibreboard boxes in metal strapped bundles or crates.

(b) Rates or ratings applicable to shipments in barrels will apply also to such shipments in hogsheads, pipes, puncheons, tierces, casks, drums, half-barrels, quarter-barrels, sixth-barrels, eighth-barrels or kegs.

(E) NOTE 2.--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.

(E) This note expires with December 31, 1967.

Ø Change)
* Addition)
ó Reduction)

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EFFECTIVE DECEMBER 16, 1967

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1877