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ORIGINAL

Decision No. 73344

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
for the purpose of considering
and determining revisions in or
reissues of Exception Ratings
Tariff No. 1.

Case No. 7858
Petition for Modification No. 30
(Filed October 18, 1967)

OPINION AND ORDER

Petitioner, Gerber Products Company, is a manufacturer of canned and preserved baby foods. It seeks amendment of the description of baby foods in Item No. 220 of Exception Ratings Tariff No. 1, to read as follows: "Food, baby, canned or preserved, other than frozen, in hermetically sealed containers, in boxes."^{1/} The proposed description would eliminate the words "consisting only of strained and chopped foods" from the present description.

In support of the proposed change, the petition alleges that the National Classification Board has approved the requested change effective September 27, 1967, in Supplement 13 to National Motor Freight Classification No. A-9 (Item No. 73160). To be consistent with the classification description, the change is requested in Item No. 220 of the Exception Ratings Tariff No. 1.

^{1/} Item No. 220 is headed "Canned or Preserved Foodstuffs (not cold pack or frozen)". The commodity descriptions provided therein apply in connection with Exception Ratings set forth in minimum rate tariffs subject thereto.

Assertedly, the proposed description more aptly describes baby foods now manufactured and shipped in California.

The petition was served on known interested parties, including other manufacturers of canned baby foods, the California Trucking Association and the Cannery League of California. It also was listed on the Commission's Daily Calendar of October 19, 1967. No protests have been received. By letter dated October 23, 1967, the California Trucking Association has informed the Commission that the proposed relief has been considered by that organization and that it has no objection to ex parte consideration. The Cannery League of California and California Manufacturers Association also support the granting of the petition without hearing.

In the circumstances, it appears, and the Commission finds, that the proposed revision is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory rates and charges for the services to which they apply. A public hearing is not necessary. The petition should be granted.

IT IS ORDERED that:

1. Exception Ratings Tariff No. 1 (Appendix A to Decision No. 66195, as amended) is hereby further amended by incorporating therein, to become effective December 23, 1967, First Revised Page 10 and First Revised Page 11, 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 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; 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 said Decision No. 66195, 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 14th day of NOVEMBER, 1967.

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

SECTION NO. 2 - RATINGS WHICH ARE EXCEPTIONS TO THE GC (Continued)	Item No.
ARTICLES	
<p>Canned or Preserved Foodstuffs (not cold pack nor frozen) as described in Items Nos. 220 and 221 in earthenware, glass or metal cans, boxed, or in pails or tubs, crated, or in bulk in barrels or kegs, except as otherwise provided, viz.:</p> <p>Beans-and-Pork, Breads, Brine, Broths, Butter, fruit, in packages named, or in fibre cans boxed, or in bulk in kits, pails or tubs, Butter, peanut (Peanut Paste), in packages named, or in cans completely jacketed, or in bulk in pails, Buttermilk (not casein), n.o.s., Chili, ground, in boxes, Chowders, (2)Cocoanut, prepared, in packages named, or in bulk in boxes, or in double bags, or in multiple-wall paper bags, Corn, Egg Yolk, cooked, subject to package requirements of the GC, Feed, animal or poultry, viz.:</p> <p>Meat or Fish, or a mixture containing meat or fish (see Note 5):</p> <p>Other than Dehydrated, in hermetically sealed glass or metal containers, in barrels or boxes, Dehydrated, in containers in barrels or boxes, Fish, cooked, pickled or preserved, with or without fruit or vegetable ingredients (see Note 4), Fish Roe (other than canned Salmon Eggs prepared for Fish Bait), cooked, pickled or preserved. Food, baby, canned or preserved, other than frozen, in hermetically sealed containers, in boxes (see Note 6), Fruit (not fresh), crushed, Fruit (not dried, evaporated or fresh), in liquid other than alcoholic liquor, in packages named or in bulk in kits, pails or tubs, Fruit Drink, consisting of concentrated fruit juice, water and fruit derivatives, not carbonated in metal cans, Hominy, Jam, in packages named, or in fibre cans, boxed, or in metal cans crated (one can per crate), or in bulk in kits, pails or tubs, Jelly, in packages named or in fibre cans, boxed, or in metal cans crated (one can per crate), or in bulk in kits, pails or tubs, Juice, clam, Juice (not syrup), fruit, unfermented, in packages named or in bulk in kits, pails or tubs, Juice, tomato, in barrels or boxes, or in glass, earthenware or metal cans in crates, Juice (or Juices), vegetable, n.o.s., in barrels or boxes, or in glass, earthenware or metal cans in crates,</p>	220

Macaroni (prepared), with or without cheese, meat or vegetable ingredients,
Macaroni and Cheese, in combined packages, in boxes,
Meats, cooked, cured or preserved, with or without cereal or vegetable ingredients (see Note 4),
Milk (condensed or evaporated), in liquid, in packages named, or in bulk in kits, pails or tubs,
Milk (not malted), Buttermilk (not casein) or Dry Milk Solids, powdered or flaked (see Note 1) in containers in bags, barrels, boxes or crates (see Note 2) or in bulk in barrels, boxes, double bags or multiple-wall paper bags,
Milk, sterilized, liquid, flavored or not flavored, in hermetically sealed metal cans in barrels or boxes, or in glass in boxes,

(Continued in Item No. 221)

Change, Decision No. **73344**

EFFECTIVE DECEMBER 23, 1967

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 43

SECTION NO. 2 - RATINGS WHICH ARE EXCEPTIONS TO THE GC (Continued)	Item No.
ARTICLES	
<p>Canned or Preserved Foodstuffs (not cold pack nor frozen) as described in Items Nos. 220 and 221, in earthenware, glass or metal cans, boxed, or in pails or tubs, crated, or in bulk in barrels or kegs, except as otherwise provided, viz.: (Concluded)</p> <p>Mince Meat, in packages named, or in cartons, boxed, or in pails, uncrated,</p> <p>Molasses or Syrups, as described under the heading "Foodstuffs, Beverages or Beverage Preparations, Not Named in Other More Specific Groups" in the GC,</p> <p>Oil, cooking,</p> <p>Oil, olive or salad,</p> <p>Olives, canned or preserved in juice or in syrup or liquid other than alcoholic, in packages named, or in bulk in kits, pails or tubs,</p> <p>Paste, tomato,</p> <p>Pectin, fruit or vegetable, in packages named, or in metal cans, crated,</p> <p>Pickles, NOS (see Note 3), Dill Weed, pickled, Sandwich Spreads, NOS, including Cheese Spread, in packages named; in metal cans in crates, or in barrels, boxes, kits or pails,</p> <p>Pie Preparations (fruit in syrup or in paste form compounded with flour or sugar and flavored),</p> <p>Pimentos (Canned Peppers),</p> <p>Pizza Pie Mix, consisting of flour, yeast and sauce, with or without cheese, in combined packages, in boxes,</p> <p>Puddings,</p> <p>Pulp, fruit (not Dried Fruit, crushed or ground) or vegetables, in packages named, or in metal cans, crated, or in bulk in kits, pails or tubs,</p> <p>Puree, tomato,</p> <p>Ravioli (prepared), with or without cheese, meat or vegetable ingredients,</p> <p>Sandwich Spreads, including cheese spreads, in packages named or in paper cartons in boxes,</p> <p>Sausage,</p> <p>Soups,</p> <p>Spaghetti (prepared), with or without cheese, meat or vegetable ingredients,</p> <p>Spread, peanut, in packages named, or in cans completely jacketed, or in bulk in pails,</p> <p>Table Sauces, including Catsup, Prepared Horseradish, Prepared Mustard, Pepper Sauce or Salad Dressing, in packages named; in metal cans in crates, or in barrels, boxes, kits or pails,</p> <p>(1) Vegetables (not dehydrated, dried, evaporated nor fresh), NOS, including pickled vegetables, in packages named, or in bulk in kits, pails or tubs,</p> <p>Vermicelli (prepared), with or without cheese, meat or vegetable ingredients,</p> <p>Vinegar, in packages named, or in bulk in kits, pails or tubs,</p> <p>Welsh Rarebit,</p> <p>Whey, condensed or powdered, in packages named, or in fibre cans, or in bulk, in boxes, or in double bags or in multiple-wall paper bags.</p>	221

- (1) Does not apply on Fried Potatoes or Fried onions.
(2) Minimum weight in straight truckloads is 30,000 lbs.

NOTE 1.--Rates apply also on Milk or Buttermilk, powdered or flaked, containing vegetable fats not exceeding 1 percent by weight.

NOTE 2.--One measuring cup may be included in each inner shipping container.

NOTE 3.--Ratings apply also on Nuts or Vegetables, NOS, pickled in brine or vinegar and on Fruits, NOS, pickled in vinegar.

NOTE 4.--Rates apply only on commodities prepared for human consumption.

NOTE 5.--Rates do not apply on commodities prepared for human consumption.

*NOTE 6.--Ratings apply only on foodstuffs and juices specially prepared and represented as baby foods.

∅ Change)
* Addition) Decision No. **73344**

EFFECTIVE DECEMBER 23, 1967

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 44