BEM

Decision No. <u>73607</u>

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 cement and) related products (commodities for) which rates are provided in Minimum) Rate Tariff No. 10).

Case No. 5440 Petition for Modification No. 26 (As Amended)

ORIGINAL

(Appearances are shown in Appendix B to Decision No. 72503)

Additional Appearances:

Henry Fikse, for Fikse Trucking Co.; Arthur F. Thompson, for Matich Transportation Co.; and Allen L. Cole, for Max Binswanger Trucking Co., respondents.

OPINION ON FURTHER HEARING

In this proceeding California Trucking Association (CTA) seeks an investigation of the rates, rules and charges set forth in Minimum Rate Tariff No. 10 (MRT 10) for the transportation of cement in truckload lots. By Decision No. 70028, dated November 30, 1965, the Commission established, as an interim increase, a surcharge of one cent per 100 pounds in the rates in MRT 10. Said interim increase is currently scheduled to expire July 31, 1968.

Following public hearing and the introduction of evidence by the Commission staff and CTA, the Commission, on May 31, 1967, issued Decision No. 72503.^{1/} Said decision adopted the proposals

1/ A full discussion of the evidence and argument adduced in the original hearings on March 21 and 22, 1967 is set forth in Decision No. 72503.

presented by CTA's Director of its Division of Transportation Economics made on behalf of that organization and cement producers other than Monolith Fortland Cement Co. (Monolith), Nevada Cement Co. (Nevada Cement) and Southwestern Portland Cement Co. (Southwestern). The latter proposals (industry proposals) resulted in rate levels higher than those proposed by the Commission staff. The industry proposals also related to adoption of Distance Table 6 and to changes in the exception mileages contained in MRT 10. Monolith opposed the industry proposals, but did not offer any evidence.

By Decision No. 72816, dated July 25, 1967, the Commission denied Monolith's petition for rehearing of Decision No. 72503, but reopened the proceeding for the receipt of further evidence with respect to costs and other rate-making factors, particularly such additional justification as may be relied upon to support the "industry proposal" made on behalf of CTA and designated cement producers. Decision No. 72816 also suspended the rates established by Decision No. 72503.

Further bearing was held on October 23 and 24, 1967, before Examiner Mallory at San Francisco, and the reopened proceeding was submitted subject to the filing of concurrent briefs or closing statements on or before November 10, 1967.^{2/} A request for a proposed report was filed by Monolith. The Commission concludes that a proposed report would serve no useful purpose and that such request should be denied.

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^{2/} Closing statements or briefs were filed by CTA, Calaveras Cement, Pacific Cement & Aggregates, Kaiser Cement & Gypsum, and Ideal Cement, in support of the so-called "industry" proposal. The statement filed by Monolith opposes any change, except for the adoption of DT6 and revised mileage exceptions thereto. The staff's closing statement requests adoption of its proposals.

In the reopened proceeding evidence was presented by the Commission staff and by representatives of CTA, Monolith and Southwestern.

A staff transportation engineer presented Exhibit 6 which up-dated his cost study (Exhibit 1) received in the original phase of this proceeding, to reflect (1) estimated labor costs as of October 1, 1967, (2) known changes in taxes, (3) the effect of Distance Table 6, (4) the increase in the maximum speed of vehicles to 55 miles per hour (from 50 miles per hour), (5) a correction in the calculation of line-haul use hours for gravity hopper and flat bed equipment, and (6) related increases in the labor portion of indirect expenses. All other cost and performance factors remain unchanged from his original report. Changes other than the change in maximum speed resulted in increases in costs. The overall effect of the revised costs is increases on the order of 3.0 to 5.1 percent in total costs.

A staff transportation rate expert presented in evidence a study containing revised proposed rates, charges and rules reflecting the increased estimated costs of operation furnished by the staff engineer. The current rate proposal is designed to provide overall cost-rate relationships as follows: bulk cement, Southern Territory, 94 percent; bulk cement, Northern Territory, 95.7 percent; sacked cement, Southern Territory, 95.8 percent; sacked cement, Northern Territory, 97.9 percent. The witness testified that the increased revenue from his current rate scales would exceed revenues from original proposals by the following amounts: bulk cement, Southern Territory, 3.0 percent; bulk cement, Northern Territory, 4.3 percent; sacked cement, Southern Territory, 5.7 percent; sacked cement, Northern Territory, 4.5 percent. The

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witness indicated that the staff had no objection to the industry proposals concerning the exception mileages provisions in Southern Territory, as such mileages were developed for Distance Table 6 (DT6) in the same relationship as the current exception mileages bear to the mileages on Distance Table No. 5 (DT5). The witness stated the staff has no basis for evaluating the exception mileages in Northern Territory. This witness also stated that he made no separate evaluation of the effect of the proposed change from DT5 to DT6, as the effect of such change was considered in the staff cost study.

The Director of CTA's Division of Transportation Economics testified further in support of the industry proposal. He presented in evidence combined profit and loss statements of carriers engaged in cement transportation for the years 1964, 1965, 1966, and for the first half of 1967. The witness indicated that the tabulation shown in his Exhibit 10 for carriers receiving fifty percent or more of their gross operating revenues from operations subject to MRT 10 is the most representative for the purposes of this proceeding. This tabulation, showing the combined statements of 18 carriers, is set forth below.

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Table I SUMMARY OF P & L STATEMENTS 1964-67

<u>CARRIER GROUP</u>

\$ 5,987,478 5,680,728 96.1%

5,790,671

5,615,397 98.4%*

\$.

1964

Revenue Expenses Operating Ratio

1965

Revenue Expenses Operating Ratio

1966

Revenue Expenses Operating Ratio

1967 (1st Half)

Revenue Expenses Operating Ratio

\$ 6,658,850 6,380,844 97.3%* \$ 2,813,296 2,750,066 99.5%*

* Calculation includes provisions for Owner's Salary. The witness asserted that, based upon the figures shown above and his knowledge of the operating results of other cement common or contract carriers, such carriers as a group have suffered deterioration in the margin between revenues and expenses and are currently operating at a loss. The witness did not present any projection to show carriers' revenues and expenses for any future period under present or proposed rate levels. The witness indicated that Nevada Cement joined in the industry proposal.

The general traffic manager of Southwestern testified in opposition to the industry rate proposals. He stated that his company does not believe any changes are required in the cement tariff, but if the Commission finds increases are necessary, it

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should adopt the Commission staff recommendations. As a basis for his position, the witness indicated that there are too many carriers providing service from Southwestern's cement facilities; that the large number of carriers create inefficiencies for Southwestern's mill loading operations, as well as dilute the traffic; and that an increase in rates would encourage transportation by more carriers who are affiliated with the purchaser of cement. The witness also opposed the increase in the number of mileage blocks for Northern Territory as set forth in the industry proposal. He stated that Southwestern's marketing area is confined to Southern Territory. Southwestern supports the exception mileage provisions, which also are a part of the industry proposal.

The assistant traffic manager for Monolith also testified in opposition to the industry rate proposal. The witness introduced eight exhibits in evidence. These exhibits were designed to show that the amount of cement available for transportation is constantly increasing; that the transportation of cement is performed predominantly by for-hire trucks; that the total number of cement haulers transporting cement from Monolith's plant has increased; and that the bulk of for-hire carrier cement hauling revenues is concentrated in a few large common carriers. The witness also presented a tabulation of profit and loss statements for the year 1966 of a different group of cement carriers from those used in Table I, to show that cement carriers as a group are not incurring the revenue deficiencies alleged by the industry witness. Monolith's analysis shows a composite operating ratio for twenty carriers of 92.5 percent after adjustment for owners' salaries and before income taxes. This tabulation includes six carriers which earned less than 50 percent of their gross revenues from cement. The witness stated

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that his company did not agree to proposed changes in the exception mileages in Southern Territory. No reason for Monolith's opposition to such mileages was advanced by this witness.

Discussion

In adopting the industry proposal, the following language appears in Decision No. 72503:

"The Commission heretofore has stated that considerations other than those specifically set forth in Section 3662 may be given weight in the establishment or revision of minimum rates for highway carriers. In proceedings of this type, the Commission measures the value of the transportation service to the shipper and the adequacy of the proposed rates to return a reasonable compensation to the carriers for such transportation service. The industry proposal herein, developed through negotiation, should strike a balance between the shipper's ability to pay for the transportation services and the carriers' overall revenue needs. Therefore, the industry proposal should be given weight in reaching a determination concerning the aspects of the value of the transportation service to shippers and reasonable return to carriers. The industry proposal also takes into consideration recent changes in economic conditions. It reflects at least two considerations not brought to bear in the staff proposals: a reduction in carriers' revenues resulting from changes in constructive mileages through the supersedure of Distance Table No. 5 by Distance Table 6, and an increase in costs brought about by higher wage costs agreed to in the new wage contracts."

Other than changes in economic conditions, the considerations stated above have been measured in the staff exhibits presented in the current phase of this proceeding. The staff cost study has been adjusted to reflect wages as of October 1, 1967. Also line-haul costs were revised to reflect the lower ratio of constructive miles to actual miles resulting from the proposed change from DT5 to DT6.

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It is clear from the evidence adduced that adjustments of the present rate scales (including the surcharge) are necessary. It is also clear that rates on the level set forth in the industry proposal, while agreed to by the trucking industry and a majority of the cement mills may, in some instances, exceed reasonable minimum rates.

A comparison of the present mileage rates (including surcharge) with rates contained in the industry proposal adopted in Decision No. 72503, and with rates proposed by the staff in the current phase of this proceeding are set forth in Appendix A bereto. As may be seen from that comparison, the rates currently proposed by the staff for bulk cement in Southern Territory are less than present rates (including surcharge) for distances of 80 miles or less; and exceed present rates over that distance. The bulk cement rates for Southern Territory in the industry proposal exceed present rates. The industry proposal exceeds the current staff proposal for distances of 130 miles or less; for distances in excess of 130 miles the industry proposal is the same or less than the staff proposal. For bulk cement in Northern Territory, both the industry and staff proposals exceed present rates (including surcharge); the industry proposal exceeds the staff proposal for distances of 180 constructive miles or less, and is less than the staff proposal for distances in excess of 180 constructive miles.

In arriving at their rate proposals, both the industry and staff witnesses testified that they gave consideration to existing rate levels; the location of cement mills, and competition between mills in the marketing of cement in the major metropolitan areas of the State; the interrelationships of the Southern and Northern Territory rate scales with respect to transportation from mills

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located near the dividing line between territories; and the effect of the changeover from DT5 to DT6. The staff witness apparently gave much weight to the staff's estimated costs of service. The witness presenting the industry proposal stated in the original hearing that little weight was given to costs, but that factors not considered in the staff cost study were evaluated. This testimony was not changed in the reopened proceeding, although most of the factors which assertedly were not considered in the original staff cost study were explored in the revised cost study.

The witness testifying to the industry proposal and Monolith's witness presented analyses of operating revenues, expenses and operating ratios on a composite basis for different groups of carriers. The resulting composite operating ratios for the year 1966 are quite different. As shown in Table I, the composite operating ratio for the 18 carriers used therein was 97.3 percent. As reflected in Monolith's Exhibit 17, the composite operating ratio for the 20 carriers whose results are set forth therein was 92.5 percent (after adjustment for owners' salaries). The industry witness attempted (in Table I) to show only the operating results for carriers who obtained 50 percent or more of their total operating revenues from cement.^{3/} Six of the carriers included in Monolith's Exhibit 17 obtained less than 50 percent of their gross revenues from cement.

Appendix B shows the 1966 operating results for all of the carriers included in Exhibit 10 (CTA) and Exhibit 17 (Monolith)

3/ Two of said carriers (Adams Trucking Co. and Marie E. Kenyon) bave cement revenues for 1966 falling just below the 50 percent mark.

which obtained 50 percent or more of their operating revenues from MRT 10 as reflected in their annual reports to the Commission. For the 26 carriers shown in Appendix B. the composite operating ratio (before taxes) is 95.8 percent. This composite operating ratio, which is based on annual report statements without adjustment except for owner's salary, appears to more fairly represent the financial results of operations of carriers predominantly engaged in the transportation of cement than the figures shown in either Exhibit 10 or Exhibit 17, as it covers a greater number of carriers than either exhibit and it is restricted to carriers that obtained not less than 50 percent of their revenues from cement.^{4/} The composite operating ratio shown in Appendix B does not indicate that cement carriers as a group are in dire financial straits. While it does indicate that such carriers are operating near the upper limit of the range of reasonable operating ratios for motor carriers, no firm conclusion can be made in this regard without a review and analysis of the propriety of the recorded expenses. $\frac{27}{3}$

Neither the proponents of the industry proposal nor protestants furnished any estimate of the overall effect of the industry proposal on carriers' revenues. The staff has indicated

- 4/ The operating results of carriers shown in Appendix B, while informative, do not provide any basis for specific adjustments in minimum rate levels. (<u>Oilfield Haulers Conference</u>, 63 Cal. P.U.C. 416, 421.)
- 5/ It should be noted that the financial results of operations for 1966 shown on Appendix B do not reflect increased carrier wages and payroll taxes, among other increased expenses, incurred by carriers in 1967; and which are a matter of record herein. It does not appear that a composite operating ratio as favorable as shown in Appendix B can be obtained under present rates and current operating conditions.

the estimated effect of its proposal for each of the separate mileage rate scales by the means of cost-rate relationships developed through freight bill analyses. The mileage rate scales proposed by the staff provide cost-rate relationships ranging from 94 to 97.9 percent. While the Commission has adopted various cost-rate relationships in establishing or revising minimum rates, it generally has considered cost-rate relationships of 90 to 95 percent before income taxes to be reasonable in general rate proceedings. $\frac{6}{}$ A provision for adequate net revenues to carriers before income taxes should be provided herein for the reason that cement minimum rates have not been adjusted as frequently as other minimum rate scales, and cement rates tend to remain in effect for longer periods in face of increases in taxes and labor costs. The record shows that the labor costs reflected in the staff cost exhibit for Northern Territory may be lower than those which actually will be incurred by carriers because labor negotiations are still in progress. Thus, it appears, and we find, that somewhat bigher rates for critical distances than those proposed by the staff are necessary to provide an adequate margin of profit in an inflationary economy.

The staff and industry proposals also evaluate differently the effect of the changeover from DT5 to DT6. The staff and industry witnesses both agree that the net effect is a reduction in

^{6/} Re Minimum Rate Tariff No. 15, 63 C.P.U.C. 282, 283; Re Minimum Rate Tariff No. 11-A, Decision No. 73220, dated October 24, 1967, in Case No. 5603, Pet. 40; Re Minimum Rate Tariff No. 7, Decision No. 72733, dated July 11, 1967, in Case No. 5437, Pets. 144 and 145; Re Minimum Rate Tariff No. 17, 64 C.P.U.C. 30, 43. Monolith contends that minimum rates should be set at the direct or out-of-pocket costs, without provision for profit, citing Southern Pacific Co. v. Railroad Commission, 13 Cal.2d 89. This argument 1s patently erroneous.

mileages. The industry witness determined the reductions to result in a decrease of approximately three percent of gross revenues. The staff cost witness determined that an increase in line-haul costs in his study of three percent would properly reflect the change in Distance Tables. As line-haul costs are but a small percent of total costs, the net effect on total costs of the increase in line-haul costs is minimal. Comparisons set forth in the staff rate study of present bulk cement rates based on DT5 mileages and proposed rates based on DT6 mileages from cement mills to typical destinations in Southern Territory (Table 5 of Exhibit 9) show that for 27 of the 72 examples mileages will be reduced, and for 21 of said 27 examples, the proposed bulk cement rates also would be reduced from current levels. It appears from these examples that the effect of the changeover from DT5 to DT6 is not fully reflected in the staff proposals, and that some additional adjustment in the rate levels proposed by the staff is necessary to adequately compensate for mileage reductions to principal markets in the changeover from DT5 to DT6.

Monolith and Southwestern presented evidence to show that the number of for-hire carriers hauling cement from their mills has increased over the years, and this is a direct result of increased operations by carriers affiliated with receivers of cement. Monolith and Southwestern urge that operations of affiliated carriers should be discouraged as they take business away from nonaffiliated for-hire carriers and because the mills are required to provide additional facilities to accommodate the greater number of carriers. Monolith and Southwestern contend that present cement rates are too high because they permit increasing operations by affiliated carriers, and that any further rate increases will

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encourage more competition by affiliated carriers. No consideration can be given to this position. The regulatory system administered by this Commission does not contemplate that the Commission allocate available traffic between types or classes of for-hire carriers in establishing minimum rates, or by any other means.

Although Monolith did not join in the industry agreement as to exception mileages, it does not challenge the exception mileages. $\frac{7}{}$ The witness presenting the industry proposals and the staff indicated that exception mileages for Southern Territory were developed in a manner consistent with the mileages now in the tariff. Such mileages should be adopted. Also, the Northern Territory exception mileages appear to be designed to equalize competition between cement mills in Northern Territory and are supported by . those mills. While such exception mileages were not developed on a formula basis, as in Southern Territory, they appear appropriate and should be adopted. The only opposition to the increase in the number of mileage brackets for Northern Territory was from a cement mill which is located in and markets primarily in Southern Territory. The evidence supports the granting of this proposal and it should be adopted. No one opposed the staff proposals relating to accessorial charges and rule changes, except that the industry witness requested that the charge for returned pallets in Northern Territory not be established at this time pending further study by CTA's carrier-shipper conference. The latter request appears reasonable. The staff proposals with respect to changes in accessorial charges and in rules, except as to charges for pallets, are justified and should be adopted.

^{7/} In its closing brief, Monolith states that it has no objection to changes in constructive mileages in the industry proposal.

Findings and Conclusions

The evidence presented in both phases of this proceeding by all the parties has been evaluated and the arguments of the parties have been carefully considered.⁸/ Based thereon, the Commission finds as follows:

1. The revised staff cost study presented in this proceeding contains, within acceptable limits of accuracy, the reasonable costs for the transportation of Portland cement and other commodities covered in MRT 10 in truckload lots between points in California for the period represented in the study. Said study reflects physical operations of carriers for a period ending in the spring of 1966, and labor costs and taxes as of October 1, 1967.

2. Cement carrier and cement contract carrier operations are conducted in a similar manner and the cost estimates developed for this proceeding reflect the operations of both such classes of carriers.

3. In establishing or approving scales of minimum rates in this proceeding, consideration must be given to the rate-making elements set out in Section 3662 of the Public Utilities Code and, in addition thereto, consideration should be given to the value of the transportation service to shippers, to the marketing practices of cement producers, and to the revenue needs of carriers.

4. The Commission has adopted, effective July 1, 1967, Distance Table 6 (DT6) to replace Distance Table No. 5 (DT5) as the publication containing constructive mileages for use in connection with the determination of mileage rates in minimum rate tariffs issued by the Commission. Changes in DT6 and DT5 will result, overall, in a reduction in revenues to carriers of cement.

8/ Evidence not discussed herein is fully discussed in Decision No. 72503.

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5. Rate proposals were submitted in this proceeding (a) by the Commission staff and (b) jointly on behalf of petitioner and eight cement producers (industry proposal).

6. The portion of the industry proposal relating to the adoption of DT6, mileage exceptions thereto, and the greater number of mileage brackets for Northern Territory rate scales will result in just, reasonable and nondiscriminatory provisions to govern the application of cement rates in Minimum Rate Tariff No. 10 (MRT 10) and should be adopted.

7. The industry proposal that rates on bulk and packaged cement should be on the same level for distances of over 300 constructive miles will result in just, reasonable and nondiscriminatory rates and charges for such lengths of haul, and should be adopted.

8. The staff proposals relating to "pallets" and "palletized shipment" definitions (Item No. 10), mixed shipments of cement and other commodities (Item No. 40), accessorial charges (Item No. 100), split delivery (Item No. 130), and alternative application of common carrier rates (Item No. 160), will result in just, reasonable and nondiscriminatory charges and rules to govern the application of MRT 10 and should be adopted.

9. The staff proposal concerning the addition of Item No. 175 relating to the transportation of empty pallets should be given further study as recommended in the industry proposal, and should not be adopted at this time.

10. The general level of mileage rates in MRT 10 requires adjustment to reflect current transportation conditions and factors outlined in the preceding narrative discussion, and the mileage scales of rates set forth in the tariff pages attached hereto will

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result in just, reasonable and nondiscriminatory minimum rates for carriers subject to MRT 10 and should be adopted. Said rates take into consideration the rate-making factors described in finding 3 hereof, the effect of the adoption of DT6, and the rate proposals described in finding 5.

11. To the extent that increases in rates are involved in the adoption of the rate levels described in finding 10 hereof, such increases are justified.

12. To the extent that the rates, rules and charges set forth in MRT 10 have been found heretofore to constitute reasonable minimum rates and charges for common carriers as defined in the Public Utilities Act, said provisions as hereinafter adjusted, are, and will be, reasonable minimum rates for said common carriers. To the extent that the existing rates and charges of said common carriers for the transportation involved are less in volume or effect than the minimum rates and charges hereinbefore designated as reasonable for said carriers, to that same extent the rates and charges of said carriers are hereby found to be, now and for the future, unreasonable, insufficient and not justified by the actual competitive rates of competing carriers or by the costs of other means of transportation.

The Commission concludes that Minimum Rate Tariff No. 10 should be amended in accordance with the above findings; that to the extent not granted herein Petition No. 26 should be denied; that the request for a proposed report should be denied; and that the following order should be issued to accomplish the conclusions expressed herein.

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<u>O R D E R</u>

IT IS ORDERED that:

1. Minimum Rate Tariff No. 10 (Appendix A of Decision No. 44633, as amended) is further amended by incorporating therein, to become effective March 1, 1968, the revised pages and supplement set forth in Appendix 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 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 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 1, 1968; and the 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 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.

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4. In all other respects the aforesaid Decision No. 44633, as amended, shall remain in full force and effect.

5. The request of Monolith Portland Cement Co. for a proposed report is denied.

6. In all other respects Petition No. 26 in this proceeding is denied.

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

Dated at _____ Ban Brancisco ___, Californía, this gh day of _____ JANUARY 196 %. dent oners

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COMPARISONS OF RATES

ITEM NO. 205 NORTHERN TERRITORY RATES

BULK CEMENT

M	ILES		Staff	Industry Proposed	
Over	But	Present	Proposed	Rates &	Adopted
	Not Over	<u>Rates</u>	Rates	D. 72503	<u>Rates</u>
0	3	6	5	6	5 1/2
3	5	6	5 1/4	6 3/4	6
5	10	6 1/2	5 1/2	7 1/2	6 1/2
10	15	7	6 1/2	8	7
15	20	7 1/2	7	8 1/2	7 1/2
20 25 30 35 40	25 30 35 40 45	8 1/2 9 9 1/2 10	7 1/2 8 8 1/2 9 9 1/2	9 91/2 10 101/2 11	8 8 9 9 1/2 10 1/4
45	50	10 1/2	10 1/2	11 1/2	10 3/4
50	55	12	12	12 1/4	11 1/4
55	60	12	12	12 3/4	11 3/4
60	65	13	13	13 1/4	13
65	70	13	13	14	13 1/2
70	75	14	13 3/4	14 1/2	14
75	80	14	13 3/4	15	14 1/2
80	85	14 1/2	14 3/4	15 3/4	15
85	90	14 1/2	14 3/4	16 1/4	15 1/2
90	95	15 3/4	16 1/4	17	16 1/4
95	100	15 3/4	16 1/4	17 1/2	17
100	105	17	17 1/2	18 1/4	17 1/2
105	110	17	17 1/2	19	18
110	115	18	18 3/4	19 1/2	18 1/2
115	120	18	18 3/4	20	19
120	125	19 1/2	20 1/4	20 1/2	20 1/4
125	130	19 1/2	20 1/4	21	21
130	135	20 3/4	21 1/2	21 1/2	21 1/2
135	140	20 3/4	21 1/2	22 1/4	22 1/4
140	145	22	22 3/4	22 3/4	22 3/4
145	150	22	22 3/4	23 ¹ /4	23 1/4
150	160	23 1/4	24 1/4	24 1/4	24 1/4
160	170	24 1/4	25 1/4	25 1/4	25 1/4
170	180	25 1/2	26 1/2	26 1/4	26 1/4
180	190	26 1/4	27 1/2	27 1/4	27 1/4
190	200	27 1/2	28 1/2	28 1/4	28 1/4
200	210	29	30	29 1/4	29 1/4
210	220	29	30	30 1/4	30 1/4
220	230	31 1/2	32 1/2	31 1/4	31 1/4
230	240	31 1/2	32 1/2	32 1/4	32 1/4

(Continued)

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COMPARISONS OF RATES

ITEM NO. 205 NORTHERN TERRITORY RATES

BULK CEMENT (Continued)

M	ILES		Staff	Industry Proposed	
<u>Over</u>	But Not Over	Present Rates	Proposed Rates	Rates & D. 72503	Adopted <u>Rates</u>
240	250	34	35	33 1/4	33 1/4
250	260	34	35	34 1/4	34 1/4
260	270	36 1/2	37 1/2	35 1/4	35 1/4
270	280	36 1/2	37 1/2	36 1/4	36 1/4
280	290	39	40	37 3/4	37 1/4
290	300	39	40	38 1/4	38 1/4
300		(Rates over	300 miles - S	ee Item No. 21	LS)

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COMPARISONS OF RATES

ITEM NO. 205 NORTHERN TERRITORY RATES

SACKED CEMENT

				Industry	
M Over	ILES But Not Over	Present Rates	Staff Proposed Rates	Proposed Rates & D. 72503	Adopted Rates
0	3	7	7 1/4	7 1/2	7 1/4
3	5	7	7 1/2	8 1/4	7 3/4
5	10	7 1/2	8	9	8 1/4
10	15	8	8 1/2	9 1/2	9
15	20	8 1/2	9	10	9 1/2
20	25	9	9 1/2	10 1/2	10
25	30	91/2	10	11	10 1/2
30	35	10	10 1/2	11 1/2	11
35	40	101/2	11	12	11 1/2
40	45	11	11 1/2	12 1/2	12
45	50	11 1/2	12	13	12 1/2
50	.55	13	13 1/2	13 3/4	13 1/2
55	60	13	13 1/2	14 1/4	14
60	65	14	14 1/2	14 3/4	14 1/2
65	70	14	14 1/2	15 1/2	15
70	75	15	15 1/2	16	15 1/2
75	80	15	15 1/2	16 1/2	16 1/4
80	85	16	16 1/2	17 1/4	16 3/4
85	90	16	16 1/2	17 3/4	17 1/4
90	95	17	17 3/4	18 1/2	18
95	100	17	17 3/4	19	18 1/2
100	105	18	19	19 3/4	19 1/4
105	110	18	19	20 1/2	20
110	115	19	20	21	20 1/2
115	120	19	20	21 1/2	21
120	125	19 1/2	20 1/2	22	21 1/4
125	130	19 1/2	20 1/2	22 1/2	21 3/4
130	135	20 3/4	22	23	22 1/2
135	140	20 3/4	22	23 3/4	22 3/4
140	145	22	23 3/4	24 1/4	24
145	150	22	23 3/4	24 3/4	24 1/4
150	160	23 1/4	25	25 3/4	25 1/2
160	170	24 1/4	26 1/4	26 3/4	26 1/2
170	180	25 1/2	27 1/2	27 3/4	27 1/2
180	190	26 1/4	29	28 3/4	28 3/4
190	200	27 1/4	30 1/2	29 3/4	29 3/4
200	210	28 3/4	32	30 3/4	30 3/4
210	220	28 3/4	32	31 3/4	31 3/4
220	230	31	34	32 3/4	32 3/4
230	240	31	34	33 3/4	33 3/4
240	250	33	36 1/2	34 3/4	34 3/4
250	260	35	36 1/2	35 3/4	35 3/4
260	270	35 1/4	39	36 3/4	36 3/4
270	280	35 1/4	39	37 3/4	37 3/4
280	290	37	42	38 3/4	38 3/4
290 300	300	37 (Rates over 3	42 00 miles - See	39 3/4 e Item 215)	39 3/4

APPENDIX A Page 4 of 6

COMPARISONS OF RATES

ITEM NO. 210 SOUTHERN TERRITORY RATES

BULK CEMENT

X	ILES		Staff	Industry Proposed	
<u>Over</u>	But Not Over	Present Rates	Proposed Rates	Rates & D. 72503	Adopted Rates
0	3	4 1/4	4 1/2	5 3/4	4 3/4
3	5	4 1/2	4 3/4	6	5
5	10	4 3/4	5	6 1/4	5 1/2
10	15	5 1/4	5 3/4	6 3/4	6
15	20	5 3/4	6 1/4	7 1/4	6 1/2
20	25	6 1/4	6 3/4	7 3/4	7
25	30	6 3/4	7 1/4	8 1/4	7 1/2
30	35	7 1/4	7 3/4	8 3/4	8
35	40	8	8 1/2	9 1/2	8 3/4
40	45	8 1/2	9 1/4	10	9 1/2
45	50	9 1/4	10	10 3/4	10 1/4
50	60	10 1/4	11	11 3/4	11 1/4
60	70	11 1/2	12 1/4	13	12 1/2
70	80	12 1/2	13 1/4	14	13 1/2
80	90	13 3/4	14 1/2	15 1/4	14 3/4
90	100	15 1/4	16	16 3/4	16 1/4
100	110	16 1/4	17	17 3/4	17 1/4
110	120	17 1/4	18	18 3/4	18 1/4
120	130	18 1/2	19 1/4	20	19 1/2
130	140	20	20 3/4	21 1/2	21
140	150	21	21 3/4	22 1/2	22
150	160	21 1/4	23	23 3/4	23 1/4
160	170	23 1/2	24 1/4	25	24 3/4
170	180	25	25 3/4	26	26
180	190	26	27	27	27
190	200	27 1/4	28 1/4	28 1/4	28
200	220	28 3/4	29 3/4	30	30
220	240	31	32	32	32
240	260	. 33	34	34	34
260	280	35 1/4	36 1/4	36	36 1/4
280	300	37	38 1/2	38	38 1/2
300	_	(Rates over 3	00 miles - See	Item 215)	

APPENDIX A Page 5 of 6

COMPARISONS OF RATES

ITEM NO. 210 SOUTHERN TERRITORY RATES

SACKED CEMENT

M	ILES		Staff	Industry Proposed	
Over	But Not Over	Present <u>Rates</u>	Proposed Rates	Rates & D. 72503	Adopted <u>Rates</u>
0	3	6	5 1/2	7	6
3	5	6 1/4	5 3/4	7 1/4	6 1/4
5	10	6 1/2	6	7 1/2	6 1/2
10	15	7	6 1/2	8	6 3/4
15	20	7 1/2	7	8 1/2	7 1/4
20 25 30 35 40	25 30 35 40 45	8 1/2 9 10 10 1/2	8 9 10 10 1/2	9 91/2 10 11 11 1/2	8 1/2 9 9 1/2 10 1/2 11
45	50	$ \begin{array}{c} 11 \\ 12 \\ 13 \\ 14 \\ 14 \\ 15 \\ 14 \end{array} $	11	12	11 1/2
50	60		12	13	12 1/2
60	70		13 1/2	14 1/4	14
70	80		14 3/4	15 1/4	15
80	90		16	16 1/4	16
90	100	16 1/4	17	17 1/4	17
100	110	17 1/4	18 1/4	18 1/4	18
110	120	18 1/4	19 1/4	19 1/4	19 1/4
120	130	19 1/4	20 1/2	20 1/4	20 1/4
130	140	20 1/4	21 1/2	21 1/2	21 1/2
140	150	21 1/2	22 3/4	22 1/2	22 1/2
150	160	22 3/4	24 1/4	23 3/4	23 3/4
160	170	23 3/4	25 1/2	25	25
170	180	25 1/4	27	26	26
180	190	26	28 1/4	27	27
190	200	27 1/4	29 3/4	28	28
200	220	28 3/4	31 1/4	30	30
220	240	31	33 1/2	32	32
240	260	33	35 1/2	34	34
260	280	35 1/4	37 1/2	36	36 1/4
280 300	300	37 (Rates over 30	39 1/2 00 miles - See	38 Item 215)	38 1/2

C. 5440, Pet. 26 AB

APPENDIX A Page 6 of 6

COMPARISONS OF RATES

ITEM NO. 215 STATEWIDE RATES

<u> </u>	ILES	(IN BULK AND IN PACKAGES)
Over	But Not Over	Adopted and D. 72503(1)
300 320 340 360 380	320 340 360 380 400	40 42 44 46 48
400 420 440 460 480	420 440 460 480 500	50 52 54 56 58
500	· _	(Add to the rate for 500 miles 2 1/2 cents per 100 pounds for each 25 miles or fraction thereof.)

(1) Present rates and staff proposed rates not shown. Staff proposed rates are higher than adopted rates.

APPENDIX B

COMPOSITE OPERATING STATEMENTS OF 26 CEMENT CARRIERS FOR 1966 (CARRIERS RECEIVING 50 PERCENT OR MORE OF THEIR CROSS REVENUE FROM TRANSPORTATION OF CEMENT)

q

Carrier	Opera	<u>66</u> ting Expenses(3)	Net Operating <u>Revenue(</u> 3)	1966 Optg. <u>Ratio(3)</u>	MRT 10 To Total <u>Revenue</u>
Belt Cement Lines, Inc.(2)	\$ 128,758	\$ 125,694	\$ 3,064	97.6	100
Beverly Trk. Co. (1)(2)	89,048	103,616	(14,568)	116.4	99-5
Max Binswanger Trk. (1)(2)	1,176,791	1,130,154	46,637	96.0	100
R. G. Brown Trk. (2)	86,923	80,230	6,693	92.3	78
Cement Transport Co. (1)(2)	421,295	404,005	17,290	95-9	81
Tod. W. Cline (1)	66,730	50,207	16,523	75.0	89
L. R. Denney, Inc. (2)	385,140	299,111	86,029	77.7	70
Henry Fikse Irk. Co. (1)	268,817	266,092	2,725	99.0	100
Earl W. Hudson (1)(2)	220,594	211,665	8,929	96.0	75
J & H Transp. Co. (2)	397,840	404,534	(6,694)	101.7	70
Richard Steven Kremenek (1)	41,410	37,853	3,557	91.4	86
Daniel Lohnes Trk. Co.(1)(2)	224,090	230,041	(5,951)	102.6	98 .
J. L. McCorkindale Trk. (2)	324,232	290,568	33,664	89.6	100
Matich Transp. Co. (1)(2)	1,192,464	1,110,361	82,103	93.1	68
More Truck Lines (1)(2)	690,165	666,777	23,388	96-0	55
Nobles Trucking Co. (1)(2)	80,530	71,496	9,034	88.8	94
Northern Redwood Trp., Inc.(1)(2)		307,784	(2,887)	100.9	80
Permanente Trk. Co. (2)	322,491	328,308	(5,817)	101.8	100
Phillips Trk Corp. (2)	720,098	700,083	20,015	97.2	67.5
Quient Trk. Co. (1)	87,496	80,710	6,786	92.2	80
Wm. H. Shatto, Inc. (2)	333,484	334,174	(690)	100-2	95
Standard Ready Mix Ser. Corp.(2)		89°,474	16,982	84.0	100
Edward A. Ulrey (2)	46,692	32,819	13,873	70.2	67
Universal Transport Sys. (1)(2)	1,084,037	1,079,844	4,193	99.6	70
Merle Weber Trans. Inc.(1)(2)	426,293	399,448	26,845	97.7	72
Winkler Bros. Transp.(1)(2)	211,674	209,079	2,595	98.7	100
Totals - 26 Carriers	9,438,445	9,044,127	394,318	95-8	- 1

SOURCE: Annual Roports for 1966 filed with Commission, except for adjustments for owners' salaries.

	▲ · · · · · · · · · · · · · · · · · · ·		,
(1) (2) (3)	Included in Exhibit 10 Included in Exhibit 12 Includes Provision for Ted E. Cline Henry Fikse Earl W. Hudson	- Monolith Cemont	Exhibit.
	Richard S. Kremenek Daniel Lohnes Nobles Trk. Co. Quient Trk. Co. Winkler Bros.	9,000 11,000 10,000 10,000 <u>11,000</u> \$84,000	

APPENDIX C TO DECISION NO.

List of Supplement and Revised Pages to Minimum Rate Tariff No. 10

> Authorized by Said Decision Supplement No. 12

Fourth Revised Page 6-A

Eighth Revised Page 10

First Revised Page 12-A

First Revised Page 12-B

(END OF APPENDIX C LIST)

VACATING SUPPLEMENT

SUPPLEMENT NO. 12 (Cancels Supplements Nos. 1, 9 and 11) (Supplements Nos. 6 and 12 Contain All Changes)

TO

MINIMUM RATE TARIFF NO. 10

NAMING

DISTANCE MINIMUM RATES

ALSO

RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF CEMENT AND OTHER

COMMODITIES OVER THE

PUBLIC HIGHWAYS

WITHIN THE

STATE OF CALIFORNIA

BY

CITY CARRIERS

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

CEMENT CONTRACT CARRIERS

ØVACATING NOTICE

The suspension notice contained in Supplement No. 9 is hereby vacated and the tariff pages listed below shall become effective March 1, 1968:

Eleventh Revised Page 2 Fifteenth Revised Page 4 Sixteenth Revised Page 5 Second Revised Page 5-A Fifth Revised Page 5-B First Revised Page 5-C Original Page 5-D First Revised Page 7-A First Revised Page 8-C Fourth Revised Page 9 First Revised Page 9-A First Revised Page 9-B Eighth Revised Page 12 Original Page 12-C First Revised Page 14

¢CANCELLATION OF SURCHARGE

The surcharge provided in Supplement No. 11 is hereby canceled. Tariff Rates apply.

ø Change, Decision No.

EFFECTIVE MARCH 1, 1968

Issued by the PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA State Building, Civic Center San Francisco, California 94102 Fourth Revised Page 6-A Cancels (1)Third Revised Page 6-A and Second Revised Page 6-A

MINIMUM RATE TARIFF NO. 10

ACCESSORIAL SERVICES When carrier performs any accessorial or incidental service which is not authorized to be performed under rates named in this tariff, and for which a charge is not other- wise provided, additional charges shall be assessed as follows: OCharges in Cents For First Additional 30 Minutes 15 Minutes or Fraction or Fraction Thereof Thereof (a) For Driver, Helper, or Other Employee per Man 296 148 (b) For Unit of Equipment 83 42 The charge for unit of equipment shall apply whenever the accessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of its driver or helper being engaged in such service. DIVERTED SHIPMENTS Charges upon shipments diverted at request of consignor or consignee shall be assessed upon the basis of the charge stabilished for the constructive mileage applicable via the point or points where diversion occurs, subject to Items Nos. 50 and 100. SHIPMENTS TRANSPORTED IN MULTIPLE LOTS (a) When a carrier is unable to pick up an entire ship- ment at one time, or when more than one vehicle, or con- nected train of vehicles, are used to pick up the entire shipment, the following provisions shall apply in addition to other applicable rules and regulations: 1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup. 2. A single shipping document for the entire ship- ment tendered shall be issued prior to or at the time of the first pickup. 3. An additional shipping document shall be issued		Item
<pre>When carrier performs any accessorial or incidental service which is not authorized to be performed under rates named in this tariff, and for which a charge is not other- wise provided, additional charges shall be assessed as follows:</pre>	SECTION NO. 1 - RULES AND REGULATIONS (Continued)	No.
service which is not authorized to be performed under rates amed in this tariff, and for which a charge is not other- the provided, additional charges shall be assessed as follows: OCharges in Cents For First Additional 30 Minutes 15 Minutes or Fraction or Fraction 500 (a) For Driver, Helper, or Other Employee per Man 296 148 (b) For Unit of Equipment 83 42 The charge for unit of equipment shall apply whenever the accessorial or incidental service requires its use, or Whenever the unit of equipment is inactivated by reason of its driver or helper being engaged in such service. DIVERTED SHIPMENTS Charges upon shipments diverted at request of consignor or consignee shall be assessed upon the basis of the charge established for the constructive mileage applicable via the point or points where diversion occurs, subject to Items Nos. 50 and 100. SHIPMENTS TRANSPORTED IN MULTIPLE LOTS (a) When a carrier is unable to pick up an entire ship- ment at one time, or when more than one vehicle, or con- nected train of vehicles, are used to pick up the entire shipment, the following provisions shall apply in addition to other applicable rules and regulations: 1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup. 2. A single shipping document for the entire ship- ment tendered shall be issued prior to or at the time of the first pickup. 3. An additional shipping document shall be issued	ACCESSORIAL SERVICES	
For First Additional 30 Minutes 15 Minutes or Fraction or Fraction 210 Thereof Thereof (2) (a) For Driver, Helper, or Other Employee per Man 296 148 (b) For Unit of Equipment 83 42 The charge for unit of equipment shall apply whenever the accessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of its driver or helper being engaged in such service. DIVERTED SHIPMENTS Charges upon shipments diverted at request of consignor or consignee shall be assessed upon the basis of the charge established for the constructive mileage applicable via the point or points where diversion occurs, subject to Items Nos. 50 and 100. SHIPMENTS TRANSPORTED IN MULTIPLE LOTS (a) When a carrier is unable to pick up an entire ship- ment at one time, or when more than one vehicle, or con- nected train of vehicles, are used to pick up the entire shipment, the following provisions shall apply in addition to other applicable rules and regulations: 1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup. 2. A single shipping document for the entire ship- ment tendered shall be issued prior to or at the time of the first pickup. 3. An additional shipping document shall be issued	ervice which is not authorized to be performed under rates amed in this tariff, and for which a charge is not other-	
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 or consignee shall be assessed upon the basis of the charge established for the constructive mileage applicable via the point or points where diversion occurs, subject to Items Nos. 50 and 100. SHIPMENTS TRANSPORTED IN MULTIPLE LOTS (a) When a carrier is unable to pick up an entire shipment at one time, or when more than one vehicle, or connected train of vehicles, are used to pick up the entire shipment, the following provisions shall apply in addition to other applicable rules and regulations: 1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup. 2. A single shipping document for the entire shipment tendered shall be issued prior to or at the time of the first pickup. 3. An additional shipping document shall be issued 	DIVERTED SHIPMENTS	
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 (a) When a carrier is unable to pick up an entire shipment at one time, or when more than one vehicle, or connected train of vehicles, are used to pick up the entire shipment, the following provisions shall apply in addition to other applicable rules and regulations: 1. The entire shipment shall be available to the carrier for immediate transportation at the time of the first pickup. 2. A single shipping document for the entire shipment tendered shall be issued prior to or at the time of the first pickup. 3. An additional shipping document shall be issued 	point or points where diversion occurs, subject to Items	
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ment tendered shall be issued prior to or at the time of the first pickup. 3. An additional shipping document shall be issued	carrier for immediate transportation at the time	115
3. An additional shipping document shall be issued	ment tendered shall be issued prior to or at the	
for each pickup and shall give reference to the single shipping document and shall be attached thereto and become a part thereof.	for each pickup and shall give reference to the single shipping document and shall be attached	

- 4. The entire shipment shall be picked up by the carrier within a period of two calendar days computed from 12:01 a.m. of the date on which the first pickup commences, excluding Saturdays, Sundays and legal holidays.
- 5. The separate pickups made in accordance with the foregoing provisions shall constitute a composite shipment which shall be subject to the rates named or provided for in this tariff.

(b) Any property separately picked up without complying with the foregoing provisions shall constitute a separate shipment and shall be subject to the rates, rules and regulations applicable thereto.

(1) Third Revised Page 6-A was suspended by Supplement No. 9.

ø Change

- Δ Change, neither increase) Decision No.
- nor reduction ♦ Increase

EFFECTIVE MARCH 1, 1968

Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 115

-6-A-

• • •	acels		
	evised Page 10	MINIMUM RATE TARIFF N	0. 10 (Item
SEC	TION NO. 1RULES AND REGU		<u>No</u>
	ACCESSORIAL SERVICES COMMON CARRI		
combinat mon carr performe			
1.	For unloading of shipment point of destination to a rate applies, 1% cents pe	which the common carrier	
2.		for which charges are the additional charge or	170
3.	For other accessorial se are not otherwise provid charges set forth in Iter	ed in this tariff, the	
	ISSUANCE OF SHIP	PING DOCUMENTS	
		****	1
ported a wise div consigne not incl carrier consigne	nd the carrier shall not ride the freight charges b ce(s), or any other partic uded in the rate for actu shall furnish a shipping we who requested or ordere	hereinafter provided, only sued for each shipment tran apportion, prorate, or othe etween or among the consign s. For accessorial service al transportation, the document to the consignor of d such accessorial service. the following information:	15- 27- 105, 207
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service shall be retained and preserved by the carrier, at a location within the State of California, subject to the Commission's inspection, for a period of not less than three years from the date of issue.

UNITS OF MEASUREMENT TO BE OBSERVED

Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.

> ACCESSORIAL CHARGES NOT TO BE OFFSET BY TRANSPORTATION CHARGES

Accessorial charges set forth in this tariff for accessorial services not included in the rate for actual transportation shall be assessed and collected whenever such services are performed, regardless of the level of the transportation rate assessed. Such accessorial charges may not be waived on the basis that a higher-than-minimum transportation rate serves as an offset.

% Change) Decision No. ** Eliminated)

EFFECTIVE MARCH 1, 1962

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

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First Revised Page.... 12-A Cancels (4)Original Page 12-A

MINIMUM RATE TARIFF NO. 10

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	r e s	OOOR A	ILES	M
	(2)Sack	(1) Bulk	But Not Over	Over
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	Intres	are contain	ed in Ite	m No. 215.))
(1) Rates app (2) Rates app	ply on shipment	s in bulk.	,		
(2) Rates app	ply on shipment	is in package	s.		
(3) Bates sh	orm in this it.				
No. 200 (own in this ite on Seventh Revi	sed Page 12.	ppeared 1	n Item	
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First Revised Page 12-B Cancels (4)Original Page 12-B

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MINIMUM RATE TARIFF NO. 10

	SOUTHERN TERRITORY RATES					
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	(2)Sack	(1)Bulk	Bat Not Over	Over		
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(3	11 2 12 2 14 15 16	10 1 11 1 12 1 13 1 14-3/4	50 60 70 80 90	4500 760 780		
(3 *21	17 18 19 1 20 1 212	161 171 184 191 21	100 110 120 130 140	90 100 110 120 130		
	222 23-3/4 25 26 27	22 23* 24-3/4 26 27	150 160 170 180 190	140 150 160 170 180		
	28 30 32 34 36	28 30 32 34 36 1	200 220 240 260 280	190 200 220 240 260		
	38 2 nces exceeding	381 (Rates for distan 300 miles are co Item No. 215.)	300	280 300		

<pre></pre>	Decision No.			
	EFF	ECTIVE MARCH 1	, 1968	
Issued by the Public ' Correction No. 118		sion of the Sta		ornie

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