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Decision No. 73630

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation }
into the rates, rules, regula- }
tions, 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 (includ- }
ing, but not limited to, transpor- }
tation for which rates are provided }
in Minimum Rate Tariff No. 2).

Case No. 5432
Petition for Modification
No. 483

Filed November 21, 1967

OPINION AND ORDER

Simpson Timber Company, a corporation, engages, among other activities, in the manufacture of lumber and plywood in Arcata, Eureka and Korbek, California. It seeks, in this petition, a temporary exemption of sawmill refuse from the rates and provisions of Minimum Rate Tariff No. 2.

The verified petition states that sawmill refuse is used as fuel at lumber and plywood mills; that the use of sawmill refuse as an industrial fuel is a further step in total utilization of the cut trees; that special trucking equipment is necessary to provide the transportation service; and that per "truckload" rates rather than rates based on weight or other measurement are necessary. The petition alleges that economic conditions severely limit the distance that sawmill refuse may be transported.

The petition further states that the circumstances and conditions surrounding the transportation of sawmill refuse are substantially similar to those for wood chips and wood shavings, which are now temporarily exempted from the rates and provisions of

Minimum Rate Tariff No. 2. Petitioner proposes the same expiration date, of March 9, 1969, for sawmill refuse as is now applicable to wood chips and wood shavings.

Petitioner requests that the petition be granted without hearing. The petition was listed on the Commission's Daily Calendar of November 22, 1967. There are no protests. Letters received from The Pacific Lumber Company, The Greater Eureka Chamber of Commerce, California Manufacturers Association, and Georgia-Pacific Corporation (collectively received herein as Exhibit 1) support the granting of the petition. By letter dated November 22, 1967 (received herein as Exhibit 2), the California Trucking Association advised the Commission that it has no objection to the ex parte consideration requested by petitioner, subject to the understanding that the exemptions on sawmill refuse, wood chips and wood shavings will be subject to review by the Commission prior to the expiration date of March 9, 1969. By notice dated December 5, 1967 (received herein as Exhibit 3), the Commission's Transportation Division states that its staff plans to schedule studies commencing next spring looking toward the establishment of minimum rates on sawmill refuse, wood chips and wood shavings before the March 9, 1969 expiration date.

In the circumstances, it appears and the Commission so finds, that a temporary exemption of sawmill refuse as proposed in the petition herein is justified. The Commission concludes that the petition should be granted. A public hearing is not necessary. When the staff studies relating to sawmill refuse, wood chips and wood shavings are completed, an appropriate proceeding will be instituted for their consideration by the Commission.

IT IS ORDERED that:

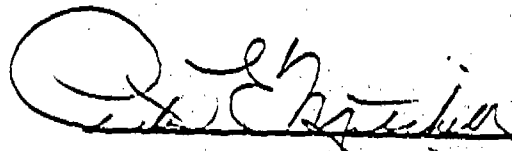
1. Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein, to become effective February 24, 1968, Forty-eighth Revised Page 15, attached hereto and by this reference made a part hereof.

2. Tariff publications authorized to be made by common carriers as a result of the order herein 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. In all other respects said 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 16th day of JANUARY, 1968.



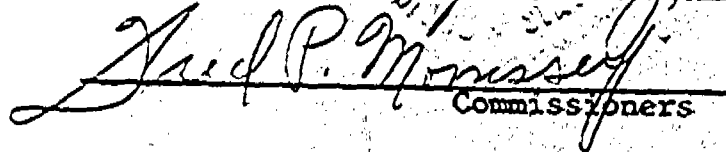
President



Commissioner



Commissioner



Commissioner

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. I - RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		
	<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES (Continued) (Items Nos. 40, 41 and 42)</p> <p>Rates in this tariff apply for the transportation of all commodities except as follows:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p>Hops, Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses, 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 or 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,</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, Trailer coaches and campers set up, (including contents and furniture and other personal effects for use outside of trailer coaches) for which rates are provided in Minimum Rate Tariff 18, United States mail transported for the Post Office Department under contract,</p> </td> </tr> </table>	<p>Hops, Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses, 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 or 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,</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; 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Pits, fruit,
 Pot Cheese,
 Poultry, live,
 Property of the United States, or
 property transported under an
 agreement whereby the United
 States contracted for the car-
 rier's services,
 Property shipped to or from pro-
 ducers of motion pictures or tele-
 vision 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),
 *Sawmill Refuse (hog fuel)
 composed of sawdust, shavings,
 bark, veneer, clippings, wood
 chunks or slabs, and other waste
 woods, not further processed,
 and not otherwise usable
 commercially except as fuel
 (Subject to Note 13),

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 des-
 cribed therein of state, county or
 municipal governments, or trans-
 ported under an agreement whereby
 the governments contracted for the
 carrier's services,

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 (ex-
 cept 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)
 * Addition) Decision No. **73630**

EFFECTIVE FEBRUARY 24, 1968

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

Correction No. 1890