

**ORIGINAL**

Decision No. 74445

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 property in the City )  
and County of San Francisco, and the )  
Counties of Alameda, Contra Costa, )  
Lake, Marin, Mendocino, Monterey, )  
Napa, San Benito, San Mateo, Santa )  
Clara, Santa Cruz, Solano and Sonoma. )

Case No. 5441  
Petition for Modification  
No. 144  
(Filed June 20, 1968)

O P I N I O N

In this petition Oliver Tire & Rubber Co., a corporation engaged in the manufacture and sale of tire treads and tire tread stocks, seeks the modification of Minimum Rate Tariff No. 1-B (MRT 1-B) and City Carriers' Tariff No. 1-A (CCT 1-A) to reduce the less-than-truckload ratings on said articles.<sup>1/</sup>

The minimum rate tariffs in question now contain LTL exception ratings on tire and tire supplies which are higher than

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<sup>1/</sup> Minimum Rate Tariff No. 1-B is applicable to transportation within and between the Cities of Alameda, Oakland, Berkeley, Emeryville, Piedmont, and Albany. City Carriers' Tariff No. 1-A applies to transportation within the City of San Francisco.

the corresponding ratings in the governing classification.<sup>2/</sup> Petitioner seeks establishment of LTL ratings on tire treads and tire tread stocks on the basis of the lower rating set forth in the governing classification.

The petition states that petitioner maintains and operates a plant in Oakland from which it ships the articles in question throughout the area encompassed by MRT 1-B. A total of 218,900 pounds of these articles were sold to customers in the area within MRT 1-B during the year 1967. Petitioner alleges that tire treads and tire tread stocks do not warrant a first class LTL rating, as such articles are of greater density than other articles to which the exception ratings apply. The petition asserts that tire treads and tire tread stocks are packed in fibreboard cartons measuring 3.5 cubic feet and weighing 65 pounds. The density is 18.75 pounds per cubic foot. The value of the material is \$0.35 per pound. Petitioner avers that the density and value of the articles are within the range of densities and values for which third class ratings are generally provided on other articles in the governing classification and exceptions thereto. The petition alleges that during 1967 no damage claims were filed by petitioner for any movement within the United States; thus showing that the product is not susceptible to damage.

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<sup>2/</sup> MRT 1-B and CCT 1-A contain the following exception ratings (in Items Nos. 610 and 330, respectively):

<u>Article</u>	<u>Class</u>
TIRE OR TIRE SUPPLIES, as described in Items 157213 to 157238, inclusive, or in Item 192910 of the governing classification, less truckload	1
National Motor Freight Classification No. A-9 (Cal) contains a third class rating on "Tire Treads or Tire Tread Stocks", as described in Item 157218.	

The petition states that there is no factory manufacturing tire treads or stocks located in San Francisco, and that there is no known movement under the rates in CCT 1-A. The concurrent adjustment of the ratings on tire treads and stocks in MRT 1-B and CCT 1-A is proposed to prevent any present or future discrimination against movements within San Francisco.

The petition herein was listed on the Commission's Daily Calendar of June 20, 1968, and a copy was served upon the California Trucking Association. There are no protests. By letter dated June 24, 1968 (Exhibit 1 herein), California Trucking Association, by its Director of its Division of Economics, advised the Commission that the relief sought in the petition had been considered by that organization and that it has no objection to the ex parte consideration requested therein.

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

Minimum Rate Tariff No. 1-B will be amended by the order herein. City Carriers' Tariff No. 1-A should be amended by separate order to avoid duplication of tariff distribution.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 1-B (Appendix B of Decision No. 65834, as amended) is hereby further amended by incorporating

therein, to become effective August 31, 1968, Ninth Revised Page 35, attached hereto and 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 ratings 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 ratings published under this authority shall make reference to the prior orders authorizing the long- and short-haul departures and to this order.

4. In all other respects Decision No. 65834, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 23rd day of JULY, 1968.

William J. ...  
President  
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Geoff P. Moussey  
Commissioners

-4- Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION NO. 1 - RULES AND REGULATIONS (Concluded)		Item No.
EXCEPTIONS TO GOVERNING CLASSIFICATION (Concluded)		
ARTICLE	CLASS	
PETROLEUM OR PETROLEUM PRODUCTS, INCLUDING COMPOUNDED OILS OR GREASES HAVING A PETROLEUM BASE, as described under the heading "PETROLEUM PRODUCTS GROUP" in the Governing Classification, less truckload -----	4	550
PIES, NOI, not baked, frozen, as described in Item 74340 of the Governing Classification,  Less truckload ----- Minimum Weight 20,000 pounds ----- Minimum Weight 36,000 pounds -----	2 4 5	560
POULTRY AND POULTRY PARTS, as described in Item 134740 of the Governing Classification:  Any Quantity ----- Minimum Weight 10,000 pounds ----- Minimum Weight 30,000 pounds -----	1 4 5	570
STOVES OR RANGES, Iron or Steel, as described in Item 25440, Items 27340 to 27460, Items 27520 to 27542, or Items 27570 to 27580, inclusive, of the Governing Classification, less truckload -----	1	600
TIRES OR TIRE SUPPLIES, as described in Items 157213 to 157238, inclusive, or in Item 192910 of the Governing Classification, less truckload -----  Will not apply on straight (not mixed) shipments of Tire Treads or Tread Stock as described in Item 157218 of the Governing Classification.	1	610
TITANIUM DIOXIDE, as described in Item 183080 of the Governing Classification, in bags, less truckload	4	620
WINE OR VERMOUTH, as described in Items 75430, 111490 or 111510 of the Governing Classification, having a declared value of not more than \$2.00 per gallon, less truckload -----	4	640

∅ Change )  
∅ Reduction ) Decision No.

74445

EFFECTIVE AUGUST 31, 1968

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 193