

Decision No. 74565

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)	Case No. 5432
all commodities between and within)	
all points and places in the State)	
of California (including, but not)	
limited to, transportation for)	
which rates are provided in)	
Minimum Rate Tariff No. 2).)	
And Related Matters)	Cases Nos. 5435, 5439,
)	and 5441

SUPPLEMENTAL OPINION AND ORDER

On September 7, 1967, the United States District Court for the Northern District of California in Baltimore Shippers and Receivers Association, et al., vs. Public Utilities Commission of the State of California, (1967) 268 Federal Supplement 836, issued its judgment and order which permanently restrained and enjoined the Commission from publishing, asserting and enforcing minimum rates for transportation service by motor carriers in interstate commerce wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities for a group or association of shippers exempted from the provisions of the Freight Forwarder Act.

¹
See Sections 203(b)(8) and 402(8)(c)(1) of the Interstate Commerce Act.

In the circumstances, it appears, and the Commission finds that Minimum Rate Tariffs Nos. 1-B, 2, 5, 9-B and City Carriers' Tariff No. 1-A should be clarified with respect to their application to the transportation of property which is exempt from regulation of the Interstate Commerce Commission under Sections 203(b)(8) and 402(8)(c)(1) of the Interstate Commerce Act. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariff No. 2 should be amended by the order herein. In order to avoid duplication of tariff distribution, the other tariffs involved should be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective September 28, 1968, Fiftieth Revised Page 15 and Seventh Revised Page 15-A 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. Tariff publications authorized herein shall be filed not earlier than the effective date of this order.

3. Common carriers, in establishing and maintaining the amendments 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 amendments 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.

This order shall become effective twenty-four days after the date hereof.

Dated at San Francisco, California, this 20th day of August, 1968.

William Symons, Jr.
President
Carl E. Mitchell
William A. Burwell
Augustine
Commissioners

Commissioner Fred P. Morrissey, being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. 1--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> <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. #The terms "tank trucks, tank trailers and tank semi-trailers" include any truck, trailer or semi-trailer with carrier or shipper provided collapsible tanks or bags 20 feet or more in length 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity (Subject to Note 15), 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>Property shipped to or from producers of motion pictures or television 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 addresses thereof (Subject to Note 11), *Property which is exempt from regulation by the Interstate Commerce Commission under Section 203(b)(8) of the Interstate Commerce Act when transported for a group or association of shippers engaged in operations which are exempt from regulation under Section 402(8)(c)(1) of the above act. 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), 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),</p>

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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,

(Continued in Item No. 42)

(1) Certain provisions shown on this page transferred to Seventh Revised
Page 15A.

of Change)
* Addition) Decision No. **74565**

EFFECTIVE SEPTEMBER 28, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 2033

Item No.	SECTION NO. 1--RULES AND REGULATIONS OF GENERAL APPLICATION (Continued)		
	<p style="text-align: center;">APPLICATION OF TARIFF-COMMODITIES (Concluded) (Items Nos. 40, 41 and 42)</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p>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, 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 described therein of</p> </td> <td style="vertical-align: top; width: 50%;"> <p>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 (except 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.</p> </td> </tr> </table> <p>state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services,</p> <p>NOTE 1.--Includes only used empty carriers which are returning from an outbound paying load of traffic for which rates are not provided in this tariff, or which are being forwarded for a return paying load of traffic for which rates are not provided in this tariff (Subject to Item No. 80 of the Exception Ratings Tariff).</p> <p>NOTE 2.--Exemption applies only when commodities flagged subject to this note are shipped in milk shipping cans, in bottles in cases or crates, or in bulk in tanks.</p> <p>NOTE 3.--Exemption applies only when the distance between point of origin and destination does not exceed 35 miles, computed in accordance with the provisions of Item No. 100.</p> <p>NOTE 4.--Exemption applies only as to dried fruit in the natural state and which has not been cleaned, washed, stemmed or otherwise prepared or partially prepared for human consumption.</p> <p>NOTE 5.--Exemption applies only when shipper certifies on the shipping document covering the transportation that the shells are being shipped for use as a fertilizer.</p>	<p>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, 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 described therein of</p>	<p>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 (except 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.</p>
<p>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, 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 described therein of</p>	<p>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 (except 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.</p>		

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NOTE 11.--Exemption applies only to transportation between points within a radius of 25 miles of the intersection of 1st and Main Streets, Los Angeles, said mileage to be computed in accordance with the provisions of Item No. 100.

NOTE 12.--Exemption applies only to transportation between points located within the Los Angeles Basin Territory as described in Item No. 270.

NOTE 13.--Exemption expires with March 4, 1969.

NOTE 14.--Exemption applies only to shavings to be utilized in the production of particleboard, flakeboard, hardboard, pulpboard or woodpulp.

NOTE 15.--The portion of this exemption preceded by # expires with June 29, 1969.

(1) Certain provisions on this page transferred from Forty-ninth Revised Page 15.

Change, Decision No. **74565**

EFFECTIVE SEPTEMBER 28, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 2034