

ORIGINAL

Decision No. 74796

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 livestock and related items (commo-
dities for which rates are provided in)
Minimum Rate Tariff No. 3-A).

Case No. 5433

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 74532 dated August 13, 1968, the Commission found that Distance Table 7 and its separate Book of Maps contain the reasonable constructive miles and governing rules to be used in connection with the Commission's minimum rate tariffs in place of Distance Table 6 and that the resulting changes provide just and reasonable minimum rates and rules. The Commission concluded that Distance Table 7 and its separate Book of Maps should be adopted to supersede Distance Table 6 effective January 1, 1969, and that minimum rate tariffs now referring to Distance Table 6 should be amended accordingly. The necessary amendment to Minimum Rate Tariff No. 3-A will be made by the order herein.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 3-A (Appendix A of Decision No. 55587, as amended) is further amended by incorporating therein, to become effective January 1, 1969, Sixth Revised Page 3 attached hereto and by this reference made a part hereof.
2. The basis for constructively increasing highway mileages prescribed by the Commission in Decision No. 74532 dated

August 13, 1968, in Case No. 7024, is hereby adopted, established and approved as the just, reasonable and nondiscriminatory basis for computing distances for use in applying distance rates in Minimum Rate Tariff No. 3-A.

3. The rates and charges set forth in Minimum Rate Tariff No. 3-A determined under the provisions of Distance Table 7 and the rules governing such rates and charges are hereby established as the minimum reasonable and sufficient rates and charges to be published, assessed, charged, collected and observed by all common carriers as defined in the Public Utilities Act for the transportation of livestock between the points for which rates are provided in the tariff.

4. Common carriers are hereby authorized to adopt Distance Table 7 as the basis for computing distances for use in applying distance rates in their common carrier tariffs for the transportation of:

- (a) commodities for which minimum rates have not been established, or
- (b) commodities which are subject to higher rates than, or more restrictive provisions than, the minimum rates or provisions otherwise applicable.

5. Common carriers need not file with this Commission a distance table for the transportation of livestock but may instead publish in their tariffs the following provision to be made applicable only to distance rates for the transportation of said commodities:

"Distances to be used in connection with distance rates named herein shall be determined in accordance with Distance Table 7 issued by the Public Utilities Commission of the State of California."

6. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective January 1, 1969, on not less than ten days' notice to the Commission and to the public; and 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 January 1, 1969, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than March 1, 1969. Tariff publications required or authorized herein shall be filed not earlier than the effective date of this order.

7. Common carriers 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 provisions published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

8. In all other respects Decision No. 55587, as amended, shall remain in full force and effect.

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

Dated at Los Angeles, California, this 8th day of October, 1968.

William J. ...
President
William W. ...
August ...
Paul P. ...
Commissioners

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p>CALVES means bovine animals weighing 450 pounds or less.</p> <p>CATTLE means bovine animals weighing more than 450 pounds.</p> <p>CARRIER means a radial highway common carrier or a highway contract carrier as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; any interstate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b)(6) or Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p>DAIRY CATTLE means cattle which are or have been used or useful in connection with the production of milk by dairies.</p> <p>DEBTOR means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party.</p> <p>∅DISTANCE TABLE means Distance Table 7.</p> <p>FEED LOT means a place, establishment or facility consisting of pens or other enclosures and their appurtenances, in which live cattle, calves, sheep, swine or goats are received, held or kept for fattening, for compensation as a business, for the public generally, or owned and operated by packing or slaughter houses.</p>	<p style="text-align: center;">∅10</p>

INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a special result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.

PACKING HOUSE means a place of business licensed to buy livestock for the purpose of slaughter, at which meat or meat food products are manufactured or prepared.

PASTURE MOVEMENT means a shipment, or component part thereof, originating at or destined to points other than points located at or within a radius of 2 actual miles of a stockyard, public sales yard, feed lot, packing house or slaughter house.

POINT OF DESTINATION means the precise location at which livestock is tendered for physical delivery into the custody of the consignee or his agent. All points within a feed lot, packing house, public sales yard, slaughter house, stockyard or corral ranch site of one consignee shall be considered as one point of destination and shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

POINT OF ORIGIN means the precise location at which livestock is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a feed lot, packing house, public sales yard, slaughter house, stockyard or corral ranch site of one consignor shall be considered as one point of origin and shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

PUBLIC SALES YARD means a stockyard.

(Continued in Item No. 11)

Change, Decision No. 74796

EFFECTIVE JANUARY 1, 1969

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 80