

Decision No. 74993

ORIGINAL

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)
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).)

Case No. 5432

And Related Matters)

Cases Nos. 5330, 5433, 5435,
5436, 5437, 5438, 5439,
5440, 5441, 5603, 5604,
6008, 7857 and 8808.

SUPPLEMENTAL OPINION AND ORDER

On September 24, 1968, the United States District Court for the Northern District of California in Atchison, Topeka & Santa Fe Railway Company, Inc. et al., vs. Public Utilities Commission of the State of California (1968), issued its order and judgment which permanently restrained and enjoined the Commission from taking any action with respect to the economic regulation of transportation by motor vehicle of nonmanufactured agricultural commodities in interstate or foreign commerce. By order issued September 7, 1967, this same court issued its order and judgment permanently restraining and enjoining 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 (Baltimore Shippers and Receivers Association, et al., vs. Public Utilities Commission of the State of California, (1967) 268 Federal Supplement 836).

In the circumstances, it appears, and the Commission finds, that Minimum Rate Tariffs Nos. 1-B, 2, 3-A, 4-B, 5, 6-A, 7, 8, 9-B, 10, 11-A, 12, 13, 14-A, 17, 18 and 19 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) (6) and 203(b) (8) 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 January 4, 1969, Fifty-first Revised Page 15 attached hereto and by this reference made a part hereof.

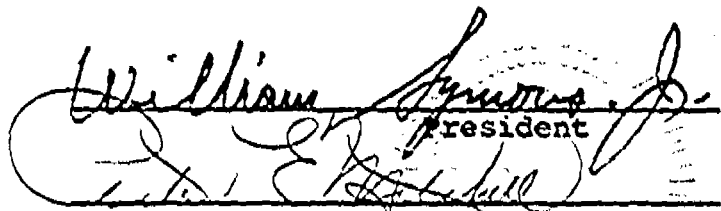

2. Tariff publications authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff page 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 26th day of November, 1968.


President


Commissioners

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

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 data-bbox="569 461 1291 524">APPLICATION OF TARIFF - COMMODITIES (Continued) (Items Nos. 40, 41 and 42)</p> <p data-bbox="310 556 1433 619">Rates in this tariff apply for the transportation of all commodities except as follows:</p> <div data-bbox="310 652 834 1993"> <p data-bbox="310 652 834 866">Hops, Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the con- tents 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, com- modities in semiplastic 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),</p> </div> <div data-bbox="893 652 1476 1993"> <p data-bbox="893 652 1476 866">Property shipped to or from pro- ducers 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 addressees thereof (Subject to Note 11), Property which is exempt from regulation by the Interstate Com- merce Commission under Sections 203(b)(6) and 203(b)(8) of the Interstate Commerce 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 Classifi- cation, 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),</p> </div>

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,
 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,

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 out-
 bound movement (Subject to
 Note 3),

(Continued in Item No. 42)

Change, Decision No. 74993

EFFECTIVE JANUARY 4, 1969

Issued by the Public Utilities Commission of the State of California,
 San Francisco, California.
 Correction No. 2047