

Decision No. 75000

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 fresh or green fruits and vegetables)
and related items (commodities for which)
rates are provided in Minimum Rate)
Tariff No. 8).)

Case No. 5438

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 74993, issued today in Case No. 5432, et al., the Commission found that various minimum rate tariffs 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. The decision also provided that Minimum Rate Tariff No. 8 should be amended by separate order to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 8 (Appendix "C" to Decision No. 33977, as amended) is further amended by incorporating therein, to become effective January 4, 1969, Ninth Revised Page 7 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

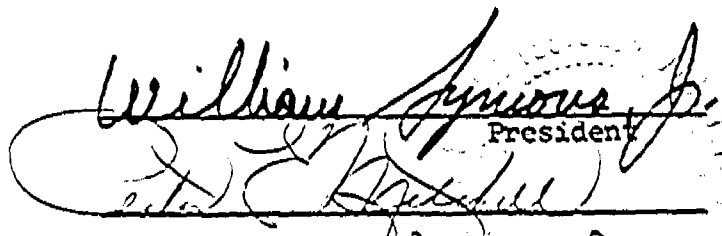

public if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order. Tariff publications authorized herein shall be filed not earlier than the effective date of this order.

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. 33977, 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.

-2-

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="558 448 1093 517">APPLICATION OF TARIFF - COMMODITIES (Items Nos. 40 and 41)</p> <p data-bbox="376 546 1374 615">Rates in this tariff apply to transportation of the following commodities (See Exception):</p> <p data-bbox="439 644 1407 1161"> Fruits, fresh or green, in their natural form, including dates, fresh (not cold pack nor frozen), subject to Note 2(h); Mushrooms, fresh (not cold pack nor frozen); Nuts, in the shell; Nuts, field shelled, subject to Note 2(g); Vegetables, fresh or green, in their natural form, including mushrooms, fresh (not cold pack nor frozen), subject to Note 2(h); Containers, empty, second-hand, returning from an outbound paying load, of commodities for which rates are provided here- in or forwarded for a return paying load, of commodities for which rates are provided in this tariff, subject to Note 1; Containers, empty, for which rates are provided in Section No. 4 of this tariff; Trailers, shipper-owned or railroad-owned, for which rates are provided in Item No. 309 of this tariff. </p> <p data-bbox="241 1190 1407 1354"> 40 NOTE 1.--Highway carriers must determine before accepting ship- ment that said containers were moved filled and are being returned by the same carrier or carriers to consignor of the filled con- tainers; or that containers shipped for return paying load will, when filled, move by the same carrier or carriers to the consignor of the original empty containers. </p> <p data-bbox="381 1383 1395 1452">EXCEPTION.--Rates in this tariff do not apply to transportation of:</p> <p data-bbox="381 1481 1424 1682">(a) Fresh or green fruits, nuts (in the shell or field shelled), fresh or green vegetables, or mushrooms, as described herein, when the point of destination of the shipment is a cannery, accumulation station, precooling plant, or winery; nor to the empty containers used or shipped out for use in connection with such transportation, subject to Note 2.</p> <p data-bbox="381 1710 1412 1841">(aa) Fresh or green fruits, fresh or green vegetables, or mush- rooms, as described herein, moving to a cold storage plant to be held for interim storage for a subsequent movement to a cannery, subject to Notes 2 and 4.</p> <p data-bbox="381 1870 1424 2035">(b) Fresh or green fruits, nuts (in the shell or field shelled), fresh or green vegetables, or mushrooms, as described herein, when transported from the field or point of growth to a packing plant, cold storage plant, or a packing shed, nor when transported between packing sheds, subject to Notes 2, 3 and 5.</p> <p data-bbox="381 2063 1395 2161">(c) Empty containers used or shipped out for use in connection with transportation described in paragraph (b) above, subject to Notes 2 and 3.</p> <p data-bbox="381 2189 1384 2259">(d) Sugar beets when the point of destination of the shipment is a beet sugar factory or a railroad loading dump.</p>

(a) Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.

*(f) Property which is exempt from regulation by the Interstate Commerce Commission under Sections 203 (b) (6) and 203 (b) (8) of the Interstate Commerce Act.

(g) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.

(Continued in Item No. 41)

Ø Change)
* Addition) Decision No. **75000**

EFFECTIVE JANUARY 4, 1969

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 509