

ORIGINAL

Decision No. 75506

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
(Petition for Modification
No. 70)
(Filed February 28, 1969)

OPINION AND ORDER

Potato Growers Association of California, a nonprofit corporation composed of potato growers and shippers, seeks (1) the establishment in Minimum Rate Tariff No. 8 of a rate of 29 cents per 100 pounds, minimum weight 46,000 pounds per unit of carrier's equipment, for the transportation of potatoes in bulk from fields located in the vicinity of Firebaugh to potato packing sheds located in or within two air-miles of Shafter, (2) amendment of the Guadalupe-to-Shafter potato rate so that it will also apply to packing sheds within two air-miles of that city. Petitioner requests that all common carriers be authorized to establish in their respective tariffs such modifications as may be prescribed in the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

According to petitioner, one member of its association has already planted a substantial acreage in the immediate environs of Firebaugh and, if the harvest at Firebaugh warrants doing so, the planter will retain and expand the present acreage for new crops of potatoes in future years. Petitioner alleges that there are at present no potato packing sheds in the vicinity of Firebaugh but that such facilities are maintained at Shafter, a distance of 141 constructive miles from Firebaugh.

Petitioner states that the current minimum rate of 39 cents per 100 pounds, minimum weight 43,000 pounds, set forth in Minimum Rate Tariff No. 8 for the transportation of potatoes between Firebaugh and Shafter is not confined to conditions or circumstances relating to the field-to-packing house transportation of bulk potatoes in a single unit of carrier's equipment, loaded by consignor and unloaded by gravity, with shipper performing all services necessary to load and assuming all expenses incidental thereto, except driver's operation of carrier's motor power equipment. Petitioner declares that such rate is not supported by the costs attributable to the specialized field-to-packing-house transportation of bulk potatoes in gravity-unloading vehicles.

Petitioner avers that the vehicles to be employed and the methods of loading such vehicles with potatoes in bulk from the field are no different from those described in the course of the hearings in Petition for Modification No. 44 in Case No. 5438, in respect to bulk movement of potatoes from the fields at Guadalupe and the highway movement will, as in the Guadalupe-to-Shafter operations (a distance of 153 constructive miles), be in the same vehicles used for harvesting in the growing fields.¹

¹See Decision No. 67572 dated July 21, 1964.

Petitioner asserts that the properly cost-related minimum rate for the transportation of potatoes from the field at or within 10 air-miles of the City of Firebaugh to packing houses at or within two air-miles of the City of Shafter (a distance of from 140 to 150 constructive miles) should be not more than 29 cents per 100 pounds, if such transportation is made subject, as proposed herein, to all restrictions currently contained in Minimum Rate Tariff No. 8 for the bulk transportation of potatoes from Guadalupe to Shafter.

The certificate of service shows that copies of the petition were mailed to California Trucking Association on February 20, 1969. The petition was listed on the Commission's Daily Calendar of March 3, 1969. No objection to the granting of the petition has been received.

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 minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted and Minimum Rate Tariff No. 8 should be amended accordingly.

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 May 10, 1969, Twenty-first Revised Page 34, 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 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 page incorporated in this order.

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

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

Dated at San Francisco, California, this 1st day of April, 1969.

William Synovis, Jr.
President

Augustin

J. P. Mansueti

Michael

Commissioners

Item No.	SECTION NO. 2--COMMODITY RATES (In Cents per 100 Pounds)						
335	POTATOES (OTHER THAN SWEET POTATOES OR YAMS) AND ONIONS, MINIMUM WEIGHT 43,000 POUNDS, SUBJECT TO NOTE 2 OF ITEM NO. 302.						
	MILES		Rate	MILES		Rate	
	Over	But Not Over		Over	But Not Over		
		0	3	17	140	150	39
		3	5	17½	150	160	40
		5	10	18	160	170	41
		10	15	18½	170	180	42
		15	20	19	180	190	43
		20	25	20	190	200	45
		25	30	21	200	220	47
		30	35	22½	220	240	49
		35	40	23½	240	260	51
		40	45	24½	260	280	53
		45	50	25½	280	300	55
		50	60	26½	300	325	57
		60	70	27½	325	350	60
		70	80	28½	350	375	61
		80	90	31	375	400	64
		90	100	32	400	425	69
		100	110	33	425	450	72
	110	120	34	450	475	75	
	120	130	36	475	500	78	
	130	140	38	500	525	82	
				525	550	86	
				550	600	92	
				Over 600		(1)	
(1) Rates set forth in Item No. 300 will apply on all shipments over 600 miles.							
336	POTATOES, in bulk, loaded by the consignor and unloaded by gravity, Minimum Weight 46,000 pounds per unit of carrier's equipment (see Note)						
	From		To		Rate		
	Guadalupe and all points and places within ten air miles of the City of Guadalupe		Shafter and all points and places within 0 two air miles of the City of Shafter.		31		
	*Firebaugh and all points and places within ten air miles of the City of Firebaugh.				629		
NOTE.--Rate applies when shipper performs all services necessary to accomplish loading and assumes all expenses incidental thereto, except for services of carrier's driver in connection with operation of carrier's motor power equipment.							

ø Change)
* Addition) Decision No. 75506
δ Reduction)

EFFECTIVE MAY 10, 1969

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 543