

**ORIGINAL**Decision No. 75538

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  
Petition for Modification  
No. 538  
(Filed March 13, 1969)

O P I N I O N

Minimum Rate Tariff No. 2 (MRT 2) contains minimum rates applicable to the statewide transportation of general commodities by highway permit carriers.

Humboldt Flakeboard, petitioner herein, seeks to include sawdust in bulk within the scope of the temporary exemption from minimum rates in MRT 2 now applicable to wood shavings in bulk.<sup>1/</sup>

The petition states that petitioner has utilized wood shavings in the manufacture of particleboard for a number of years. Substantial quantities of wood shavings have moved to petitioner's plant under the present exemption for that commodity. Within the last year petitioner has adapted its manufacturing process so that

<sup>1/</sup> Said exemption applies to wood shavings, in bulk, to be utilized in the production of particleboard, flakeboard, hardboard, pulpboard, or wood pulp. It is currently scheduled to expire September 4, 1969. Said exemption was established by Decision No. 68542, effective March 6, 1965, in Case No. 5432, Petition No. 366.

sawdust, as well as wood shavings, can be used as a raw material in the manufacture of particleboard. Petitioner is informed and believes that sawdust can also be utilized in the manufacture of flakeboard, hardboard, pulpboard and wood pulp.

The petition alleges that the transportation characteristics of sawdust are similar to those of wood shavings, particularly with respect to volume of movement and value. Differences in density between the commodities are not substantial. Sawdust moves from the same origins to the same destinations in the same type of motor vehicle equipment.

Petitioner states that at its plant sawdust is used as an alternate raw material to wood shavings in the manufacture of particleboard. Petitioner alleges that it is not economically feasible to use sawdust in the manufacture of particleboard if the class rates in MRT 2 must be applied for the transportation service for the reason that the value of the commodity at point of use consists principally of the cost of transportation. The petition states that if sawdust is to be used as an alternate to wood shavings as an ingredient in the manufacture of particleboard it must move at the same rates as are applicable to wood shavings.

Petitioner requests ex parte action by the Commission. The petition was served in accordance with procedural rules, and notice of filing appeared on the Commission's Daily Calendar of March 14, 1969. There are no protests or requests for public hearing. By a letter dated March 18, 1969, the California Trucking Association advised the Commission that the proposed relief sought has been considered by that organization and that the association has no objection to the ex parte consideration requested.

Petitioner seeks no modification of the presently effective expiration date of the exemption in its present form and agrees that the retention or termination of said exemption should not be affected by affirmative action on this petition. The matter of the establishment of appropriate minimum rates on wood shavings and on sawmill refuse (including sawdust) used for fuel is currently before the Commission in Case No. 5432, Order Setting Hearing in Decision No. 75197. An adjourned hearing in that proceeding is scheduled for April 28, 1969.

In the circumstances, it appears and the Commission finds that a temporary exemption on sawdust as proposed in the petition herein is justified. A public hearing is not required. The Commission concludes that the petition should be granted.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein, to become effective May 17, 1969, Fifty-Third Revised Page 15 and Ninth Revised Page 15-A, attached hereto and 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 pages incorporated in this order.

3. In all other respects said Decision No. 31606, 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 24<sup>th</sup> day of APRIL, 1969.

William Sproun, Jr.  
President

Secretary

Robert M. Munsieff

Commissioner

Commissioners

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,</p> <p>Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses,</p> <p>Hulls, almond, including shells and other waste from the hulling and shelling of almonds, not processed for use as animal or poultry feed,</p> <p>Ice Cream Mix, unflavored,</p> <p>Insecticides, agricultural,</p> <p>Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less,</p> <p>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),</p> <p>Livestock,</p> <p>Logs (wood),</p> <p>Milk, liquid (Subject to Note 2),</p> <p>Mushrooms, fresh (not cold pack nor frozen),</p> <p>Newspapers, newspaper supplements, sections or inserts (not scrap or waste),</p> <p>Nuts, in the shell,</p> <p>Nuts, field shelled (rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed),</p> <p>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,</p> <p>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),</p> <p>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.</p> <p>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),</p> <p>Sea shells, crushed, ground, powdered or disintegrated (Subject to Note 5),</p> <p>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,</p> <p>Shavings, wood, in bulk, *or sawdust, wood, in bulk (subject to Notes 13 and 14).</p> <p>Shell Marl, crushed, ground, or powdered</p> <p>Shells, walnut,</p> <p>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>

41

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)

Ø Change )  
\* Addition ) Decision No. 75538

EFFECTIVE MAY 17, 1969

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 2083

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> <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),</p> <p>Sulphur,</p> <p>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,</p> <p>United States mail transported for the Post Office Department under contract,</p> <p>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 state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services,</p> <p>Vegetables, fresh or green, including mushrooms, fresh (not cold pack or frozen),</p> <p>Vegetables, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled vegetable,</p> <p>Vegetables, dried, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper Pods,</p> <p>Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places.</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>

442

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.

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 September 4, 1969.

φ NOTE 14.--Exemption applies only to shavings \*or sawdust 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.

φ Change        )  
\* Addition     )     Decision No. 75538

EFFECTIVE MAY 17, 1969

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 2084