

77383

ORIGINAL

Decision No. \_\_\_\_\_

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. 583)  
(Filed April 10, 1970)

And Related Matters )

Cases Nos. 5435, 5439, 5441  
and 7858  
(Petitions for Modification  
Nos. 149, 117, 193 and 72,  
respectively)  
(Filed April 10, 1970)

OPINION AND ORDER

The Union Ice Company, a corporation, by these petitions, seeks to establish a truckload exception rating of Class 35.4, minimum weight 40,000 pounds, on ice, in blocks, effective January 1, 1971. The present exception rating of Class 35.4, minimum weight 30,000 pounds, is scheduled to expire with December 31, 1970.

Petitioner states that it manufactures ice at various locations including Salinas, Watsonville and Firebaugh and that it furnishes large quantities of ice during the summer harvesting season for the icing of rail cars, which are loaded with melons for transportation beyond the railheads to various points in the East.

Petitioner declares that, during the harvesting season, the needed volume of ice far exceeds the capacity of its ice manufacturing facilities at Firebaugh and other San Joaquin Valley points. Petitioner asserts that it has supplemented these facilities for many years by transporting ice and having ice transported from its plants at Salinas and Watsonville to Firebaugh, Huron and other points in the San Joaquin Valley where the rail cars have been loaded.

Petitioner contends that, should the current truckload exception rating on ice expire with December 31, 1970, and the higher truckload classification rating<sup>1</sup> be applied to the transportation in question after that date, large percentage increases in charges would be incurred by it and other shippers.<sup>2</sup> Petitioner states that ice is an extremely cheap commodity which sells at prices approximating \$7.50 to \$9.00 per ton and that it is already bearing a very high transportation cost. Petitioner avers that, unless rates are retained at a level comparable to that now prevailing, ice will no longer be transported by for-hire motor carriers. Petitioner alleges that it operates some trucks and will extend its proprietary operations, if necessary, to enable its product to continue to compete with mechanical refrigeration.

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<sup>1</sup> Item 101600 of National Motor Freight Classification A-11 sets forth a truckload rating of Class 35, minimum weight 40,000 pounds.

<sup>2</sup> Petitioner cites the current rate, exclusive of the applicable surcharges, of 29 cents per 100 pounds for a typical haul from Salinas to Firebaugh. The rate for this movement under the higher truckload classification rating would be 42½ cents per 100 pounds, exclusive of the applicable surcharges. The resulting increase, exclusive of the surcharges, would be 46½ percent.

The certificate of service shows that copies of the petitions were mailed to California Trucking Association on April 7, 1970. The petitions were listed on the Commission's Daily Calendar of April 14, 1970. No objection to the granting of the petitions has been received.

The Transportation Division staff has reviewed the petitions and recommends that they be granted by an ex parte order.

In the circumstances, it appears, and the Commission finds that the proposed truckload exception rating of Class 35.4, minimum weight 40,000 pounds, on ice, in blocks, is reasonable and the resulting minimum rates will be just, reasonable and nondiscriminatory minimum rates for the transportation involved. A public hearing is not necessary. The Commission concludes that the petitions should be granted.

IT IS ORDERED that:

1. Exception Ratings Tariff No. 1 (Appendix A to Decision No. 66195, as amended) is hereby further amended by incorporating therein, to become effective January 1, 1971, Twenty-third Revised Page 3 and Second Revised Page 27-WWW, 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 January 1, 1971, 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. Common carriers, in establishing and maintaining the rating 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 rating 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. 66195, 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 Los Angeles , California, this 23rd day of June, 1970.

William J. Lyons, Jr.  
President  
Augusta  
William J. Lyons, Jr.  
Thomas L. Sturgeon  
Commissioners

EXCEPTION RATINGS TARIFF 1

INDEX OF COMMODITIES			
COMMODITIES	ITEM	COMMODITIES	ITEM
Acids	1200	Kernels, corn, roasted	480
Articles as described in the Governing Classification	1030-1050	Ladders, Step	900
Blankets	1800	Pads, sanitary	755
Boxes	1320	Paper or Paper Articles	180,1640, 1840
Briquettes, wood	180	Returned Shipments	820
Cans, ash, garbage, oiled waste, refuse	1680	Rubber Articles	1660
Carriers, old (used)	280		
Carriers, used packages	300,320, 321,340		
Cartons, egg, pulp	270		
Chemicals	1320	Salt, common	
Cocoa or Cocoa Paste	480	(Sodium Chloride)	880
Compounds, tree and weed killing	460	Shipments, returned	820
Confectionery	480	Stepladders	900
		Sugar	940
Fertilizers	540,560, 580	Titanium Dioxide	950
Flowers, fresh, cut	592		
Furniture	1020	Wood Briquettes	180
Furniture and related articles	1000	Wood, fuel	960
*Ice	1860		

\* Addition, Decision No.

77083

EFFECTIVE

Correction 223

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
SAN FRANCISCO, CALIFORNIA.

SECTION 2-D--RATINGS WHICH ARE EXCEPTIONS TO THE CC			ITEM
(Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)			
ARTICLES			
BLANKETS, NOIBN (49040) Synthetic fibre or synthetic and natural fibre combined, in bales or boxes Any Quantity-----200  Natural fibre, in bales or boxes (See Note) Any Quantity-----150  NOTE.--Natural fibre blankets may have bindings of any material.			1800
BOXES, fibreboard, paper, paperboard or pulpboard, NOI, without wooden frames, KD flat or folded flat, or in sheet form with ends not joined, combined or not combined with cellulose film, foil or plastic film, in packages, corrugated (See Notes 1 and 2) (29275)-----  NOTE 1.--Also applies when faced or backed with foil or coated with material for moisture-proofing or leak-proofing.  NOTE 2.-- Provisions also apply on necessary equipment of wooden corner sticks and wire cover fasteners, or on covers, wrappers or interior packing forms to outfit boxes when such articles are KD flat, folded flat or in sheet form with ends not joined or when nested solid, or on sealing strips, iron or steel stitching wire to set up or seal the boxes in the shipment, or on foil for opening devices. The weight of stitching wire or foil must not exceed 5 percent of the weight of the boxes.  Provisions will also apply on KD flat or folded flat sections or parts such as bottoms, tops, lids or ends.	Rating		1820
	LTL	TL	
	65		
PAPER: Blueprint; or Reproduction, other than photographic; sensitized, in packages, actual value not exceeding 60 cents per pound (See Note) Truckload Minimum Weight 36,000 pounds (150690)-----  NOTE.--Shipper must certify on shipping order and bill of lading at time of shipment the actual value of the property as follows:  "The actual value of the paper herein described is specifically stated to be not in excess of 60 cents per pound."	60	35	1840
ICE, in blocks (101600) Truckload Minimum Weight 40,000 Pounds-----		35.4	*1860
* Addition, Decision No. <b>77383</b>			
EFFECTIVE			
Correction 224		ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	