

ORIGINAL

78062

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. 608)
(Filed November 4, 1970)

And Related Matters)
)
)
)

Cases Nos. 5435 and 7858
(Petitions for Modification
Nos. 164 and 87, respectively)
(Filed November 4, 1970)

OPINION AND ORDER

Minimum Rate Tariffs Nos. 2 and 5 (MRT 2 and 5) name minimum rates for the transportation of property over the public highways in the State of California by highway carriers. The class rates in these tariffs are governed by ratings and rules in National Motor Freight Classification A-11 (Governing Classification) and Exception Ratings Tariff No. 1 (ERT 1). MRT 2 and 5 also contain specific ratings which are exceptions to those set forth in the Governing Classification.

By the above petitions, California Trucking Association seeks to

modify certain of these exception ratings, which are scheduled to expire with December 31, 1970, by (1) extending to December 31, 1971, the expiration date governing the exception rating on prepared dough in MRT 5; and (2) establishing permanent exception ratings in MRT 2 on flavored or phosphated beverages, prepared dough and oil, water or gas well outfits or supplies and in ERT 1 on common salt. Petitioner also proposes to modify the exception ratings by: (1) requiring that the beverages be power loaded and unloaded by the consignor and consignee; (2) limiting the application of the ratings on beverages, prepared dough and salt to a single unit of equipment per shipment; (3) increasing the minimum weight from 40,000 to 45,000 pounds in connection with the rating on salt; and (4) restricting the application of the ratings on oil, water or gas well outfits or supplies to transportation to, from or between oil, water or gas well job sites and related job sites. Petitioner's proposal is set forth in detail in Exhibits A, B, C and D attached to the petitions.

Petitioner declares that the proposals herein have been developed by shipper and carrier parties affected thereby and that such proposals reflect the peculiarities of transportation within California of each commodity involved including consideration of relationships to other commodities or groups and to important marketing factors affecting continued distribution by for-hire carriers.

Petitioner alleges that the transportation characteristics of the beverages and the density and value characteristics of the prepared dough and salt compare favorably with other commodities for which the same or

similar exception ratings are maintained. Petitioner avers that the proposed restriction on the application of the ratings on oil, water or gas well outfits or supplies gives recognition to the specialized motor carrier services involved.

Copies of the petitions were mailed to various chambers of commerce, shipper organizations, carrier representatives and other interested parties on or about November 2, 1970. The petitions were listed on the Commission's Daily Calendar of November 6, 1970. No objection to the granting of the petitions has been received.

Commission staff analysis indicates that petitioner's proposal would continue exception ratings in effect that would otherwise expire December 31, 1970, and modifications concerning the application of these ratings would reflect current conditions surrounding the involved transportation. Higher ratings in the Governing Classification would generally apply to the transportation of beverages, prepared dough and salt in the event that the current temporary exception ratings were not continued in effect. Lower classification ratings would generally apply on oil, water or gas well outfits or supplies when such commodities are transported from, to or between other than oil, water or gas well job sites. The staff recommends that the petitions be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved, and, to the extent that said rates

and charges may result in increases, such increases are justified. A public hearing is not necessary. The Commission concludes that the petitions should be granted.

In order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 2 will be amended by the order herein and Minimum Rate Tariff No. 5 and Exception Ratings Tariff No. 1 will be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective January 1, 1971, Ninth Revised Page 30-B, Twenty-first Revised Page 37-B, Twenty-fourth Revised Page 37-D and First Revised Page 37-DD attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 31606, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

3. Tariff publications required 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 second day after the effective date of this order on not less than two days' notice to the Commission and to the public; and tariff publications which are authorized but not required to be made by common carriers as a

result of the order herein may be made effective not earlier than the second day after the effective date of this order and may be made effective on not less than two 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.

4. Common carriers, in establishing and maintaining the ratings 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 ratings published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects Decision No. 31606, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 8th day of December, 1970.

Chairman
Reginald

William J. ...

Tom ...

Vernon L. Sturgeon
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
<p>EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</p> <p>(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.)</p>		Class Rating
<p>Dough, prepared, other than frozen, whether or not containing other ingredients or an accompanying complement of ingredients or icing or topping (72800), subject to Note 1:</p> <p>Less truckload-----</p> <p>Truckload: Minimum Weight 30,000 pounds, *subject to Note 2-----</p> <p>*NOTE 1.--Shipments transported under Temperature Control Service are subject to provisions of Items 185 and 185-1 of this tariff.</p> <p>*NOTE 2.--If more than one vehicle or combination of vehicles constituting a single unit of carrier's equipment is used for the transportation of a single shipment, each such vehicle or combination of vehicles shall be subject to the highest minimum weight applicable to any rate used in computing charges.</p>		55 35
<p>Feed, animal, in metal cans in boxes or in metal cans in metal strapped bundles or in crates, not subject to Item 300 of this tariff, viz.:</p> <p>Feed, animal, frozen, containing meat or fish or a mixture of meat or fish and cereals or vegetables (67040).</p> <p>Meat or Fish, or a mixture of Meat or Fish and Cereals or Vegetables with or without other ingredients, not frozen, other than dehydrated or dry (67400), in metal cans in boxes, or in metal cans in metal strapped bundles or in crates not subject to Item 300 of this tariff.</p> <p>Less truckload-----</p> <p>Truckload: Minimum Weight 30,000 pounds----- Minimum Weight 36,000 pounds----- Minimum Weight 42,000 pounds----- Minimum Weight 45,000 pounds-----</p> <p>(1) Not applicable to shipments which are subject to charges for temperature control service.</p>		336 50.1 35 35.1 35.2 35.3
<p>Flour, prepared, edible, with more than 40% but not more than 80% of other ingredients, manufactured from:</p> <p>Flour, made from one or more of the articles included in List 1 (Grain) in Item 652 of this tariff, viz.:</p> <p>Flour, cooked (73030) Flour, edible, NOI (73140) Flour, gelatinized (73060) Flour, Potato (73080) Flour, Rice (73100) Flour, Soybean (73120)</p> <p>Less truckload: Minimum Weight 10,000 pounds-----</p> <p>Truckload: Minimum Weight 40,000 pounds-----</p>		338 339 50.1 35.1
<p>Change) * Addition) Decision No. 78062 Increase)</p>		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA		
Correction		

MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</p> <p>(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.)</p>	<p style="text-align: center;">Class Rating</p>
<p>OIL, WATER OR GAS WELL OUTFITS OR SUPPLIES, AND OTHER ARTICLES, subject to Notes 1 and 2, viz.:</p> <p>Bars, grate, iron or steel (104320) Cocks or Valves, NOI, Gate Valves, NOI, Faucets, NOI, or Bibb Cocks, NOI, or Parts thereof, NOI, brass, bronze, copper or iron or steel (50855 or 50870) Flues or Tubes, boiler (25600) Mud or Compounds, gas or oil well drilling, or Gas or Oil Well Drilling Mud Treating Compounds (138640) Oil, Water or Gas Well Outfits or Supplies as described under the heading OIL, WATER, GAS WELL GROUP of the Governing Classification (142700) through 144490) Pipe, iron or steel, cast, NOI (51200), subject to Note 3 Pipe or Tubing, iron or steel, NOI (51940, 51960 or 51970), subject to Note 3 Pipe or Tubing, iron or steel, wrought (52090), subject to Note 3 Pipe or Tubing, or Pipe or Tubing Fittings, sheet steel (52200), subject to Note 3 Pipe Fittings, NOI, iron or steel (51460, 51470 or 51500), subject to Note 3 Plate, iron or steel, armor or deck (106020) Plate, sheet or strip, iron or steel (106060, 106065, 106120 or 106220) Plate or Sheet, iron or steel (106080, 106100, 106140, 106160, or 106180) Plates or Cleats or Corner or Edge Protectors (106260) Plates, structural, NOI, iron or steel (106280) Pump Working Barrel Valves (127560) Sheet, iron or steel (106720 or 106740) Sucker Rod Joints, iron or steel (96980) Tanks, iron or steel (25800, 121150, 123540, 180790, Sub 3, 180840, 181070, 181110, 181170, 181260, 181270, Subs 3 and 4, 181330, 181350, 181370, 181390, 181410, 181440, 181480, 181540, 181560, 181620, 181660 or 181740 or 181760) Towers, water cooling (187030)</p> <p>Truckload: Minimum Weight 20,000 pounds----- Minimum Weight 30,000 pounds-----</p> <p>NOTE 1.--Truckload ratings set forth in this item do not alternate with LTL ratings.</p> <p>NOTE 2.--The provisions of this item apply only in connection with shipments transported from, to or between oil, water or gas well job sites; a site for drilling any exploratory oil, water or gas well; a job site located off paved road; a pier, quay or wharf for transshipment from or to an offshore drilling facility.</p> <p>NOTE 3.--Applies only in connection with commodities having an inside diameter of 4 inches or greater.</p>	<p style="text-align: center;">365</p> <p style="text-align: center;">77 1/2 60</p>
<p>(1) Certain commodities listed on this page transferred from Original Page 37-DD.</p> <p>o Change) o Increase) Decision No. 78062 o Reduction)</p>	
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p data-bbox="414 868 1125 912">Item Canceled. Provisions transferred to Item 365.</p>	<p data-bbox="1438 886 1500 919">#366</p>
<p data-bbox="227 1462 740 1513">Change, Decision No. 78062</p>	
<p data-bbox="1070 2002 1202 2033">EFFECTIVE</p>	
<p data-bbox="138 2086 282 2117">Correction</p>	<p data-bbox="811 2061 1483 2130">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>