

Decision No. 78381

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 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).

And Related Matters.

Case No. 5432  
Petition for Modification  
No. 610  
(Filed November 17, 1970)

Petitions for Modification  
Nos. 614, 615 and 616  
(Filed December 15, 1970)

Cases Nos. 5435, 5441  
and 7858  
Petitions for Modification  
Nos. 165, 211 and 88,  
respectively  
(Filed November 17, 1970)

(Appearances are shown in Appendix A)

O P I N I O N

Interim Decision No. 78096, dated December 15, 1970 in these proceedings extended to April 30, 1971, several tariff items scheduled to expire December 31, 1970, pending hearing. Included therein are the following items:

Minimum Rate Tariff 2 (MRT 2)

- Item 292 - Volume Incentive Service
- Items 330 and 330.5 - Carriers (Used Packages)  
Secondhand, Empty

Minimum Rate Tariff 1-B (MRT 1-B)

- Item 430 - Carriers (Used Packages)  
Secondhand, Empty

Exception Ratings Tariff 1 (ERT 1)

- Item 80 - Empty Packages or Carriers  
(Secondhand)
- Item 280 - Carriers, Old (Used)
- Item 300 - Carriers (Used Packages)
- Item 340 - Carriers (Used Packages)

The petitions herein embrace several additional tariff items to those set forth above.

Public hearing with respect to all of the tariff items included in the petitions herein was held before Examiner Mallory at San Francisco on January 28 and 29, 1971. The matters were submitted subject to the filing of concurrent briefs with respect to tariff items other than those described above.

Traffic Managers Conference of California made a motion that the expiration of the tariff items set forth above, except Item 292 of MRT 2, be extended to September 30, 1971, that Item 292 be extended to December 31, 1971, and that the proceedings herein then be discontinued with respect to said items. The principal parties to the proceeding, including California Manufacturers Association and the California Trucking Association, concurred in the motion. The motion contemplates that the granting thereof will provide the necessary time in which a permanent solution may be evolved through voluntary and cooperative action of shipper and carrier groups.

In the circumstances, it appears, and the Commission finds, that extension of the expiration dates of the tariff items in question will be reasonable. The Commission concludes that the motion of Traffic Managers Conference of California should be granted. Minimum Rate Tariff 2 will be amended by the order which follows, and the other tariffs will be amended by separate order. The balance of the tariff items involved in the petitions herein will be the subject of separate orders.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein to become effective April 30, 1971, Twelfth Revised Page 29-A, Thirteenth Revised Page 31-A, and Fourth Revised Page 31-AA, 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.

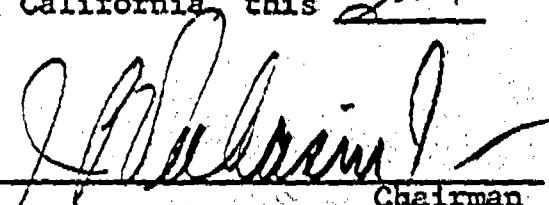
4. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now

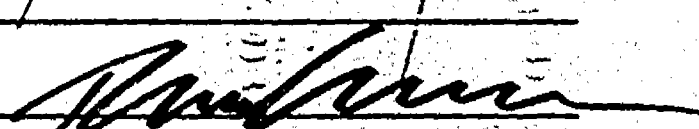
maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.


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 ten days after the date hereof.

Dated at San Francisco, California, this 2nd day of MARCH, 1971.

  
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Chairman

  
\_\_\_\_\_  
James L. Stinson

  
\_\_\_\_\_  
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

LIST OF APPEARANCES

Petitioners: A. L. Libra and William M. Larimore, for California Manufacturers Association, Petitioner in Case No. 5432, Petition No. 610; Case No. 5435, Petition No. 165; Case No. 5441, Petition No. 211 and Case No. 7858, Petition No. 88; and Donald H. Marken, for Traffic Managers Conference of California, Petitioner in Case No. 5432, Petitions Nos. 614, 615 and 616.

Respondents: M. Lee Astor, for Astor Truck-Rite, Inc.; Mike Brodie and Charles M. King, for Trans Bay Motor Express; John D. Gill, for Data Transportation Co., Inc.; Russell J. Kirschenbaum and Frank Mazzetti, for Neptune World Wide Moving; and Joe MacDonald, for California Motor Express, Ltd.

Interested Parties: Frank Loughran and Scott L. Harrington, Attorneys at Law; James A. Peasley and Tad Muraoka, for IBM Corporation; Paul L. Rathblott, Attorney at Law, W. M. Wadleigh and Joseph J. Adamo, for Xerox Corporation; Philip G. Blackmore, Jr., for California & Hawaiian Sugar Company; E. R. Chapman, for Foremost Foods Company; Ron Graham and Meyer L. Kapler, for American Forest Products Corporation; William D. Grindrod, for Norris Industries; Harvey E. Hamilton and Vernon Hampton, for Certain-Teed Products Corporation; Robert A. Kormel, for Pacific Gas and Electric Company; Lang D. Lewis, for Van Water & Rogers; William D. Mayer, for Cannery League of California; Loren D. Olsen, for Kaiser Cement & Gypsum Corporation; Gordon A. Rodgers, for Allied Chemical Corporation; Ben Roth, Crown Zellerbach Corporation; Don B. Shields, for Highway Carriers Association; Richard W. Smith and A. D. Poe, Attorneys at Law, and H. F. Kollmyer, for California Trucking Association; Harold Summerfield, for Bethlehem Steel Corporation; Arthur T. Taylor, for Triangle Conduit & Cable Company; and Milton A. Walker, for Fibreboard Corporation.

Commission Staff: John R. Laurie.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM																
<p>EXCEPTION TO GOVERNING CLASSIFICATION AND SECTION 2 OF THE EXCEPTION RATINGS TARIFF</p>																	
<p style="text-align: center;"><b>VOLUME INCENTIVE SERVICE</b>  <b>APPLICATION OF RATES</b>                  (Applies only when reference is made hereto)</p> <p>(a) Rates in this item shall apply only on prepaid shipments when the bill of lading is annotated by shipper certifying that the shipment meets the requirements of this item and requesting volume incentive service. Rates in this item do not apply to:</p> <ol style="list-style-type: none"> <li>1. Shipments which require temperature control service, split pickup or delivery service, collect on delivery (C.O.D.) or order notify service, or which have origin or destination on steamship docks or oilwell sites; nor</li> <li>2. Shipments moving on government bill of lading; nor</li> <li>3. Shipments which are not loaded in their entirety during one calendar day; nor</li> <li>4. Shipments subject to Items 85, 90, 91 or 365.</li> </ol> <p>(b) The charge for service under the provisions of this item shall be determined and applied as follows:</p> <ol style="list-style-type: none"> <li>1. Determine the applicable classification truckload rating as provided in the Governing Classification and Sections 2-B and 2-C of the Exception Ratings Tariff for the shipment; and</li> <li>2. Multiply the actual weight of the shipment (but not less than 45,000 pounds per unit of carrier's equipment used) by the applicable rate provided for the next lower rating as provided in paragraph (b) 4. (See Exception)</li> </ol> <p style="text-align: center;">EXCEPTION.--Rate shall also apply to a shipment weighing less than 45,000 pounds provided the charges are computed on a weight of not less than 45,000 pounds per unit of carrier's equipment.</p> <ol style="list-style-type: none"> <li>3. In no event shall the charge so determined be less than the charge for 50,000 pounds at the Class 35.4 rate.</li> <li>4. The applicable next lower rating shall be as follows:</li> </ol> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">When the applicable rating is class:</th> <th style="text-align: center;">The next lower rating to be applied shall be class:</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">45</td> <td style="text-align: center;">40</td> </tr> <tr> <td style="text-align: center;">40</td> <td style="text-align: center;">37½</td> </tr> <tr> <td style="text-align: center;">37½</td> <td style="text-align: center;">35</td> </tr> <tr> <td style="text-align: center;">35</td> <td style="text-align: center;">35.1</td> </tr> <tr> <td style="text-align: center;">35.1</td> <td style="text-align: center;">35.2</td> </tr> <tr> <td style="text-align: center;">35.2</td> <td style="text-align: center;">35.3</td> </tr> <tr> <td style="text-align: center;">35.3</td> <td style="text-align: center;">35.4</td> </tr> </tbody> </table> <p>(c) Rates provided in this item do not alternate with other rates and charges in this tariff and rates provided in this item may not be used in combination with any other rates.</p>	When the applicable rating is class:	The next lower rating to be applied shall be class:	45	40	40	37½	37½	35	35	35.1	35.1	35.2	35.2	35.3	35.3	35.4	<p>(E) 292</p>
When the applicable rating is class:	The next lower rating to be applied shall be class:																
45	40																
40	37½																
37½	35																
35	35.1																
35.1	35.2																
35.2	35.3																
35.3	35.4																
<p>§(E) This item expires with December 31, 1971.</p> <p>§ Change, Decision No. <b>78381</b></p>																	
<p>EFFECTIVE</p>																	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                  SAN FRANCISCO, CALIFORNIA.</p> <p>Correction 2444</p>																	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)  (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.)	Class Rating	
	LTL	TL
<p>CARRIERS (USED PACKAGES), SECONDHAND, EMPTY, subject to Notes 1 and 2 in Item 330.5, viz.:                      (Items 330 and 330.5)</p> <p>(2) Bags (20480, Subs 1, 2, 3 and 4, 20510, 20520, 20530, 20540, 20600, 20620, 20640, 20660, 20680, 20700, 20710, 20720, 20780, 20800, Subs 1 and 2, 20830, 20850, 20890, 20910, 20930, 20950 or 21130),                      Barrels, loose (21730, 21740, 21760, 21770, 21780, Subs 1, 2, 3 and 4, 21782, 21840, 40830 or 119600),                      Blocks or Braces, wooden, viz.:                      Cable Reel (41292),                      Bottles (28660, 28700, 28703, 28920, 29207, 29760, 56520, 87700, 87720, 87740, 88520 or 156600), in boxes or crates, or in barrels, boxes or crates with or without covers.                      Boxes, fibreboard (29206, 29207 or 29110), KD or folded flat with or without inside fillers,                      Boxes, wooden (28960, 28990, 29020, 29080, 29110, 29140, 29180, 29200, 29330, 29350, 29420, 29430, 29470, 29600, 29720 or 29800),                      Cans, tin (52755, 52820 or 52830), loose or in packages,                      Carboys (40990, 41000, 87700, 87720, 87740 or 87840), in boxes, with or without neck protection,                      Carriers, bakery goods, wheeled (40800),                      Carriers, NOI (40850),                      Cases, egg (41190, 41200, or 41210), with or without fillers,                      Casks (21730, 21740 or 21760), loose,                      Chests, fruit (29350, 29600 or 40950), loose,                      Containers, aluminum bulk commodity shipping (41030), nested, subject to Notes 1 and 2 in Item 330.5,                      Containers, rubber bulk commodity shipping (21770),                      Coops (41090, 41100, 41110 or 41120), loose,                      Cores (41130, 41140 or 41290), in bags, bundles, boxes or crates; loose or in packages, truckload,                      Crates (29800, 29880, 40883, 40885, 40890, 40900, 40910, 40920, 40930, 41090, 41100, 41110, 41120, 64830 or 146010),                      Cylinders, acid, ammonia, glycerine or gas (41150 or 41160), loose or in packages,                      Demijohns (87700, 87720 or 87740), in barrels, boxes or crates, with or without tops,                      Drums (21760, 21770, 21780, 21800, 21810, 21820, 21840, 21860 or 40830), loose,                      Hogsheads (21730, 21740, 21760 or 21880), loose,                      Jugs (107840), in barrels, boxes or crates, less truckload; in packages named or packed in excelsior, hay straw or other similar material, truckload,                      Kegs (21730, 21740, 21760, 40830 or 52755), loose,                      (6) Packing Cushions or Pads:                      Shipping, cotton or jute (149140), cloth covered, in bundles or packages,                      Pails, iron or steel (52755, 174840 or 174860),                      Pallets, metal or wooden, shipping (150370 or 150390, Subs 1, 2, 3 or 4) including inside spacers or supports for palletized loads,                      Truckload Minimum Weight 30,000 pounds.</p> <p style="text-align: center;">(Continued in Item 330.5)</p>	<p>(3) (4) 50% of 55</p>	<p>(3) (5) 35.4</p> <p>(E) 330</p>
<p>⊄ (E) Expires with September 30, 1971.</p> <p>⊄ Change, Decision No. <b>78381</b></p>		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction 2445		

## MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM	
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)			
(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.)			
		Class Rating	
		LTL - TL	
<p>CARRIERS (USED PACKAGES), SECONDHAND, EMPTY, subject to Notes 1 and 2, viz.:</p> <p>(Items 330 and 330.5)</p> <p>Pallets, Platforms or Skids, for lift trucks (150390), loose or in packages,  Punchons (21742 or 21760), loose,  Quicksilver Flasks (70075), loose or in packages.  Racks, shipping, engine cooling radiator (164390), SU or KD,  Reels (41290, 41330 or 41390), loose,  Spools, NOI, metallic or wooden (177450, 177470, 177500, 177580 or 177600), in bags, barrels, boxes or crates, less truckload; loose or in packages named, truckload,  Tierces (21742 or 21760), loose,  Vans, (other than lift) (41045 or 41050), knocked down or folded, loose, including pads or wrapping for packing.</p> <p>Truckload Minimum Weight 30,000 pounds,</p> <p>(2) Freight charges on shipments of empty Cement or Plaster Bags must be prepaid.</p> <p>(3) Does not apply to Carriers (used packages), malt beverage or cereal beverage (See Item 331 of this tariff).</p> <p>(4) Subject to minimum rate of 41 cents per hundred pounds or actual Class 55 rate whichever is lower. On continuous through movements on which charges are obtained by use of combinations of separately established rates, the minimum rate stated above shall apply, not in connection with the separately established factors, but to the total of the combined rate applicable to the through continuous movement.</p> <p>(5) Not to exceed less truckload rate.</p> <p>(6) Subject to less truckload rating only.</p> <p>NOTE 1.--Applies only on Carriers (used packages), secondhand, empty, returning, or when shipped for return paying load. Applies only when return movement is over same line, or lines, as outbound movement, subject to Item 291 of this tariff, except as provided in Note 2; and subject also to estimated weights, if any, which are published in the Governing Classification.</p> <p>NOTE 2.--If the charge accruing under the rating in the Governing Classification is lower than the charge accruing under the exception rating contained herein, the lower charge resulting from the Governing Classification rating will apply.</p>		<p>(3) (4) 50% of 55</p> <p>(3) (5) 35.4</p>	<p>(E) 330.5</p>
<p>§ (E) Expires with September 30, 1971.</p> <p>§ Change, Decision No. 78381</p>			
EFFECTIVE			
Correction 2446		ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	