

ORIGINAL

Decision No. 78416

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 cement and related )  
products (commodities for which rates )  
are provided in Minimum Rate Tariff )  
No. 10). )

Case No. 5440  
(Petition for Modifica-  
tion No. 74)  
(Filed February 4, 1971)

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 com- )  
modities between and within all points )  
and places in the State of California )  
(including, but not limited to, trans- )  
portation for which rates are provided )  
in Minimum Rate Tariff No. 2). )

Case No. 5432  
(Petition for Modifica-  
tion No. 627)  
(Filed February 4, 1971)

OPINION AND ORDER

Minimum Rate Tariff No. 2 names minimum rates and rules for the statewide transportation of general commodities including pozzolan in packages as well as the transportation of pozzolan in bulk within Northern Territory<sup>1</sup> and between Northern Territory and Southern Territory.<sup>2</sup> Minimum Rate Tariff No. 10 sets forth, among other things, minimum rates for the transportation of pozzolan in bulk within Southern Territory. The rates for the transportation

<sup>1</sup> Northern Territory is that territory which includes all points north of the following boundary line: Beginning at a point on the shoreline of the Pacific Ocean due south of Gaviota; thence north-easterly along an imaginary straight line to the junction point of Santa Barbara, Ventura and Kern County boundaries; thence northerly and westerly along the westerly boundary of Kern County to the junction point of Kern, San Luis Obispo and Kings Counties; thence easterly along the northerly boundary lines of Kern and San Bernardino Counties to the California-Nevada boundary line.

<sup>2</sup> Southern Territory is that territory which includes all points south of the southern boundary line of Northern Territory.

of pozzolan in bulk within Southern Territory are scheduled to expire with April 13, 1971.

By the above petitions, California Portland Cement Company requests that the aforementioned expiration date be extended to October 13, 1971. Petitioner also requests that common carriers be directed to establish in their respective tariffs, on one day's notice to the Commission and the public, all such modifications as may be prescribed by the Commission's order in these proceedings, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner states that the conditions and circumstances which prevailed at the time of the hearing in this matter continue to exist. Petitioner avers that a review of the performance factors involved in the transportation for representative periods of November and December of 1970 showed that they were substantially the same as those developed on the original record though the loading and unloading time factors had slightly improved.

Petitioner declares that pozzolan will continue to move in substantial volume as this product is required in the construction of the California Water Plan for the ensuing year. Petitioner contends that the class rates which would otherwise apply to this traffic are prohibitive and asserts that there is a definite need to continue the current rates on pozzolan in effect for another six months so that existing commitments may be completed.

The certificate of service shows that copies of the petitions were mailed to various interested parties on February 4, 1971. The petitions were listed on the Commission's Daily Calendar of February 9, 1971. No objection to the sought request has been received.

Commission staff analysis discloses that the California Water Project is still under construction and that any change in rates at this time might seriously affect contracts which have been negotiated. In addition, loading and unloading time factors have been slightly improved and average weight of loads has been slightly increased. In the circumstances the staff recommends that the petitions be granted by ex parte order.

In the circumstances, a six-month extension will be granted at this time. Minimum Rate Tariff No. 2 should be amended by the order herein and, to avoid duplication of tariff distribution, Minimum Rate Tariff No. 10 should be amended by separate order to reflect the authority granted herein.

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 April 13, 1971, Nineteenth Revised Page 15-A 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 also to Decision No. 31606, as amended, are hereby directed to establish in their tariffs the amendment 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 shall be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than April 13, 1971; tariff publications which are authorized

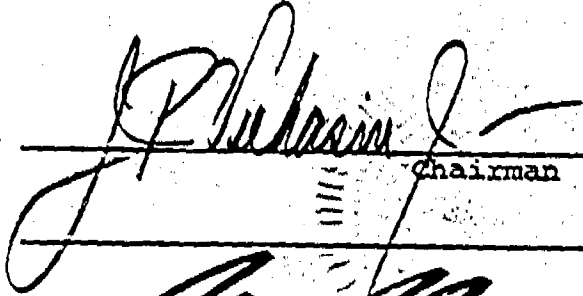
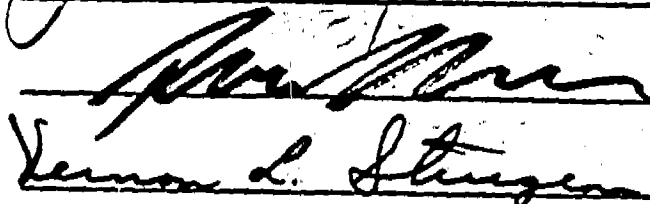
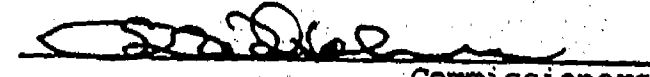
but not required to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order.

4. Common carriers, in establishing and maintaining the amendment 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 amendment 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 9th day of March, 1971.

  
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Chairman  
  
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Vernon L. Sturgeon  
  
\_\_\_\_\_  
Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Concluded)                      (Items 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 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 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 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> <p>NOTE 5.--Exemption applies only when shipper certifies on the shipping document covering the transportation that the shells or Shell Marl are being shipped for use as a fertilizer.</p> <p>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 100.</p> <p>NOTE 12.--Exemption applies only to transportation between points located within the Los Angeles Basin Territory as described in Item 270.</p> <p>NOTE 15.--The portion of this exemption preceded by † expires with December 31, 1971.</p> <p>NOTE 16.--Exemption applies only between points within Southern Territory, as described in Item 80 of Minimum Rate Tariff 10, and expires with October 13, 1971.</p>	<p>442</p>
<p>† Change. Decision No. <b>78416</b></p>	
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                      SAN FRANCISCO, CALIFORNIA.</p>