

Decision No. 78464

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 car- )  
riers 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. 633)  
(Filed March 2, 1971)  
(Amended March 9, 1971)

OPINION AND ORDER

Minimum Rate Tariff No. 2 (MRT 2) names minimum rates and rules for the transportation of general commodities between points in California by highway carriers. By this petition, as amended, Frank A. Rodriguez, an individual, seeks to have established in MRT 2 commodity rates based on a rating of Class 35.4 for the transportation of tankage, in packages, minimum weight 40,000 pounds, from Modesto and Turlock to points in Los Angeles Area Metropolitan Zones 235 and 251, San Diego Metropolitan Zone 301, Oakland Metropolitan Zone 111, and Eureka.<sup>1</sup>

Petitioner states that this tankage is ground and packed at Modesto and Turlock and shipped to various animal food manufacturers at the destinations in question. Petitioner alleges that he has been engaged in the aforementioned transportation of tankage for many years and that he has transported, on his return trips, canned pet foods from the plants of such manufacturers

---

<sup>1</sup> This commodity consists of various waste parts of chickens, such as heads, necks, backs, feet and entrails.

to various cities near Modesto. Petitioner avers that approximate revenues of \$80,000 for the outbound movement of tankage and \$120,000 for the return movement of canned pet food accrued to him in 1970.

Petitioner declares that an exception rating of Class 35.4 had been provided for the transportation of tankage but that such exception rating was canceled and higher rates based on a classification rating of Class 35 now apply to this transportation.<sup>2</sup> Petitioner states that the present rates for the transportation of tankage are unjustified and that the rates, which applied to this transportation prior to the cancellation of said exception rating, were adequate and sufficient minimum rates for movement of this traffic. Petitioner contends that he enjoys a very desirable two-way traffic movement which can readily be diverted to proprietary service. Petitioner avers that the shipper at Modesto is well aware of the character of this round-trip traffic and has informed him that, unless the rates applicable to the tankage movement prior to cancellation of the involved exception rating are restored, it will purchase its own equipment and haul the tankage outbound as a proprietary movement and the canned pet food as a permitted carrier. Petitioner alleges that the shipper is already engaged in proprietary hauling on a local basis and is experienced and fully able to undertake the movement of its own tankage and to transport canned pet food on the return movement. Petitioner believes that, unless the sought adjustment is made effective, the shipper will haul its own traffic outbound and canned pet food from the manufacturers on the return movement.

---

<sup>2</sup> A truckload exception rating of Class 35.4, minimum weight 40,000 pounds, on tankage as set forth in Item 1170 of Exception Ratings Tariff No. 1 was canceled effective January 3, 1970. A truckload rating of Class 35, minimum weight 40,000 pounds, as set forth in Item 180650 of National Motor Freight Classification A-11 has applied to this transportation since that date.

Copies of the petition and amendment were mailed to the California Trucking Association on or about March 2 and 9, 1971. The petition and amendment were listed on the Commission's Daily Calendar of March 3 and 10, 1971. No objection to the granting of the petition, as amended, has been received.

Commission staff analysis indicates that the proposed commodity rates would, in effect, restore application of the lower Class 35.4 rating to the transportation of tankage and would assist petitioner in retaining traffic which constitutes the major portion of his profitable highway carrier operations. The staff recommends that the petition, as amended, 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. A public hearing is not necessary. The Commission concludes that the petition, as amended, should be granted.

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 17, 1971, Twelfth Revised Page 1, Forty-fifth Revised Page 9 and Eighth Revised Page 52-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 to Decision No. 31606, as amended, are hereby authorized to establish in their tariffs the amendments ordered herein.
3. 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

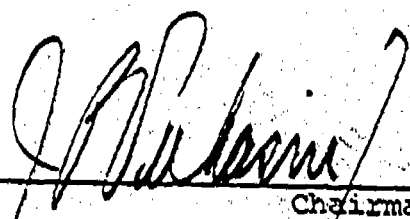
earlier than the fifth day after the effective date of this order and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

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.

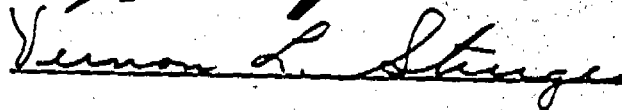
5. In all other respects Decision No. 31606, as amended, shall remain in full force and effect.

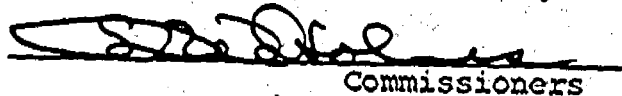
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 23<sup>rd</sup> day of March, 1971.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_

  
Vernon L. Stinger

  
\_\_\_\_\_  
Commissioners

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

CORRECTION NUMBER CHECKING SHEET

This tariff is issued in loose-leaf form. Correction numbers appearing on all added and revised pages will be numbered consecutively in the lower left-hand corner. These correction numbers should be checked below on this checking sheet before pages are filed in tariff.

CORRECTION NUMBERS

2441	2491	2541	2591	2641	2691
2442	2492	2542	2592	2642	2692
2443	2493	2543	2593	2643	2693
2444	2494	2544	2594	2644	2694
2445	2495	2545	2595	2645	2695
2446	2496	2546	2596	2646	2696
2447	2497	2547	2597	2647	2697
2448	2498	2548	2598	2648	2698
2449	2499	2549	2599	2649	2699
2450	2500	2550	2600	2650	2700
2451	2501	2551	2601	2651	2701
2452	2502	2552	2602	2652	2702
2453	2503	2553	2603	2653	2703
2454	2504	2554	2604	2654	2704
2455	2505	2555	2605	2655	2705
2456	2506	2556	2606	2656	2706
2457	2507	2557	2607	2657	2707
2458	2508	2558	2608	2658	2708
2459	2509	2559	2609	2659	2709
2460	2510	2560	2610	2660	2710
2461	2511	2561	2611	2661	2711
2462	2512	2562	2612	2662	2712
2463	2513	2563	2613	2663	2713
2464	2514	2564	2614	2664	2714
2465	2515	2565	2615	2665	2715
2466	2516	2566	2616	2666	2716
2467	2517	2567	2617	2667	2717
2468	2518	2568	2618	2668	2718
2469	2519	2569	2619	2669	2719
2470	2520	2570	2620	2670	2720
2471	2521	2571	2621	2671	2721
2472	2522	2572	2622	2672	2722
2473	2523	2573	2623	2673	2723
2474	2524	2574	2624	2674	2724
2475	2525	2575	2625	2675	2725
2476	2526	2576	2626	2676	2726
2477	2527	2577	2627	2677	2727
2478	2528	2578	2628	2678	2728
2479	2529	2579	2629	2679	2729
2480	2530	2580	2630	2680	2730
2481	2531	2581	2631	2681	2731
2482	2532	2582	2632	2682	2732
2483	2533	2583	2633	2683	2733
2484	2534	2584	2634	2684	2734
2485	2535	2585	2635	2685	2735
2486	2536	2586	2636	2686	2736
2487	2537	2587	2637	2687	2737
2488	2538	2588	2638	2688	2738
2489	2539	2589	2639	2689	2739
2490	2540	2590	2640	2690	2740

EFFECTIVE

Correction

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

INDEX OF COMMODITIES (Continued)

Only those articles which are named in commodity rate items or in Exceptions to the Governing Classification and Exception Ratings Tariff are shown in the following list.

COMMODITY	ITEM	COMMODITY	ITEM
Salad Dressing Preparations, dry	360	Solvent (M)	377.5, 723-726
Salads, Fish, Macaroni, Meat or Vegetable	360	Solvent, Drain pipe	730-732
Salt, common	380	Soups	320
Salt (M)	360	Sour, laundry	730-732
Sandwich Spreads	320-1, 345	Spaghetti and Cheese	345
Sauce, pepper	320-1	Spaghetti, except canned	360
Sauces, table	320-1	Spaghetti (prepared)	320
Sausage	320-1	Spaghetti, dry, and other ingredients	345, 360
Sausage casings	320-1	Spices	360
Sawdust, Wood	729	Spreads, sandwich	320-1, 345
Sawmill Refuse	729	Stain, wood (M)	377.5, 723-726
Seeds as described under that heading in the Governing Classification	383, 652-654	Starch	730-732
Shakes	690, 710	Steam Boiler Trucks (M)	365
Shavings, Wood	729	Steel, plate or sheet (M)	365
Sheets, sawdust or ground wood, compressed	690, 710	Steel Wool and Soap, combined (M)	360
Shells, cocoa bean	652-654	Stout	310, 360
Shells, Nut	652-654	Sugar	390, 740, 745, 755
Shingles	690, 710	Sugar, beet or cane	390
Shook, box or crate	690, 710	Sugar, corn, sorghum grain or wheat	390
Shortening	335.5	Supplies, Oil, Water or Gas Well	365
Smokestacks (M)	365	Syrup	320-1
Soap	730-732	Syrups, Fruit	360
Soap, liquid (M)	377.5, 723-726	Syrup, Malt	360
Soap, liquid	730-732		
Soap, powder	730-732	Table Sauces	320-1
Soda, Washing	730-732	*Tankage	760
Sodium Hypochlorite Solution	730-732	Tanks, steel (M)	365
Softeners, textile	730-732	Tapioca	360

(M) Denotes articles on which application of rates is limited to mixed shipments.

\* Addition, Decision No. **78464**

EFFECTIVE

Correction

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

SECTION 3--COMMODITY RATES (Continued) In Cents Per 100 Pounds	ITEM
<p><b>RULES AND REGULATIONS GOVERNING THE APPLICATION OF RATES IN ITEMS 745 and 746</b></p> <p>NOTE 1.--The rates do not alternate with the class rates named in Section 2 of this tariff.</p> <p>NOTE 2.--The rates are not subject to Item 85--Shipments Transported in Multiple Lots; Item 142--Delays to Equipment; Item 160--Split Pickup; or Paragraphs 1 or 2 of Item 240--Accessorial Services Not Included in Common Carrier Rates.</p> <p>NOTE 3.--The initial weighing of shipments at point of origin may be performed by the carrier at the carrier's expense. For reweighing the shipments the carrier shall assess a charge of not less than 82 cents.</p> <p>NOTE 4.--Rates do not include pumping service when rendered with carrier's equipment. When pumping service is performed by the carrier's equipment, a charge of one cent per 100 pounds will be made. Pumping service means the discharge of sugar from the carrier's equipment by the means of blowers.</p> <p>NOTE 5.--The bill of lading issued for each shipment transported shall show the trailer numbers and identification of the ownership of the trailers used to perform the transportation.</p>	755

COMMODITY	FROM	TO	RATE	
<p>Tubs, woodenware (planter boxes) nested or not nested, loose or in packages, in truckloads.</p> <p>Minimum Weight 30,000 Pounds, subject to Note 2.</p> <p>NOTE 1.--Apply Class 45 rate in Items 507 and 508 for the constructive mileage distance from Atwater to Central Los Angeles Metropolitan Zone Group as described in the Distance Table.</p> <p>NOTE 2.--The minimum weight applies to each unit of equipment in which the shipment is transported.</p>	ATWATER	CENTRAL LOS ANGELES METROPOLITAN ZONE GROUP	See Note 1	758
<p>Tankage, In Packages, as described Item 180650, Governing Classification.</p> <p>Minimum Weight 40,000 Pounds (See Notes 1 through 4)</p> <p>NOTE 1.--The minimum weight applies to each unit of equipment in which the shipment is transported.</p> <p>NOTE 2.--The rates are not subject to the provisions of Item 85--Shipments Transported in Multiple Lots or Item 160--Split Pickup.</p> <p>NOTE 3.--Shipments must be loaded and unloaded by shipper and receiver at no expense to carrier.</p> <p>NOTE 4.--Shipments must move prepaid by shipper.</p>	MODESTO TURLOCK	LOS ANGELES AREA METROPOLITAN ZONES 235 AND 251 SAN DIEGO METROPOLITAN ZONE 301 OAKLAND METROPOLITAN ZONE 111 EUREKA	Apply Class 35.4 rates in Items 507 and 508	*6760

◊ Reduction )  
 \* Addition ) Decision No. **78464**

EFFECTIVE

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

Correction