

Decision No. 78818

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

| | |
|--|----------------------------|
| In the Matter of the Investigation) | Case No. 7858 |
| for the purpose of considering and) | (Petition for Modification |
| determining revisions in or reissues) | No. 98) |
| of Exception Ratings Tariff No. 1.) | (Filed May 20, 1971) |

OPINION AND ORDER

The Commission's Exception Ratings Tariff No. 1 contains various interim exception ratings, which apply in lieu of those named in National Motor Freight Classification A-11 and govern various minimum rate tariffs making specific reference thereto.¹

By the above petition, Chevron Chemical Company, Elanco Products Company, a division of Eli Lilly and Company, Monsanto Company, Rhodia, Inc., Chipman Division, and Stauffer Chemical Company seek to modify the truckload exception rating on "tree and weed killing compounds, NOI" and to extend the expiration date governing this rating from June 30, 1971, to September 30, 1971. Petitioners also request that common carriers be directed to establish in their respective tariffs, on less-than-statutory notice to the Commission and the public, all such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioners propose to: (1) increase the minimum truckload weight from 30,000 pounds to 45,000 pounds; (2) require that rates resulting from the application of the exception rating do not alternate with, and may not be used in combination with, any other rates;

¹ Minimum Rate Tariffs 1-B, 2, 9-B and 19.

(3) require that shipments be prepaid and released to a valuation of 50 cents per pound per article; (4) require that shipments be loaded by consignor and unloaded by consignee with power equipment furnished and used without expense to the carrier; (5) provide that the free weight of pallets be limited to 5 percent of the weight on which transportation charges are computed; (6) apply the minimum weight to each single unit of carrier's equipment used in transporting a single shipment; and (7) provide that not more than three component parts shall be permitted in connection with split pickup or split delivery service.

Petitioners state that the current truckload exception rating was established on a temporary basis to enable shippers and carriers to discuss and determine mutually agreeable ratings and rules for the transportation of tree and weed killing compounds. Petitioners declare that the proposal herein is a result of studies undertaken in 1971 of the characteristics, volume of movement, valuation, density, among other things, of these compounds. Petitioners aver that meetings between shippers and carriers have been held and an analysis has been made of these commodities in comparison with other commodities. Petitioners assert that a conclusion was reached that the truckload rating should be subject to several restrictions but that more time is needed to evaluate the effect of such restrictions than is permitted by the existing expiration date of June 30, 1971. Petitioners point out that the proposed extension and modification of the involved truckload exception rating would

allow affected parties to conclude meaningful discussions in an orderly and efficient manner and would continue to make the minimum rate tariffs responsive to the needs of shippers and carriers alike.

A copy of the petition was mailed to California Trucking Association on May 20, 1971. The petition was listed on the Commission's Daily Calendar of May 21, 1971. No objection to the granting of the petition has been received.

Commission staff analysis indicates that the higher truckload rating in National Motor Freight Classification A-11 would apply to the transportation of the involved commodities should the current temporary truckload exception rating be allowed to expire. Also, extension of the expiration date would allow shippers, receivers and carriers additional time for further review of this matter. The staff recommends that the petition be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that petitioners' proposal is reasonable, 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 the proposal may result in increases, such increases are justified. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Exception Ratings Tariff No. 1 (Appendix A to Decision No. 66195, as amended) is further amended by incorporating therein, to become effective July 1, 1971, Eleventh Revised Page 20 and Original Page 20-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. 66195, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

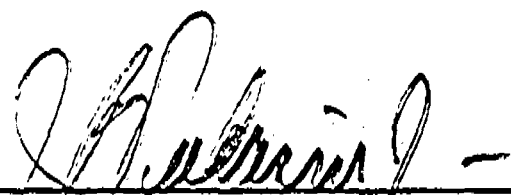
3. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than one day after the effective date of this order on not less than one day's notice to the Commission 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 first day after the effective date of this order and may be made effective on not less than one day's 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 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.

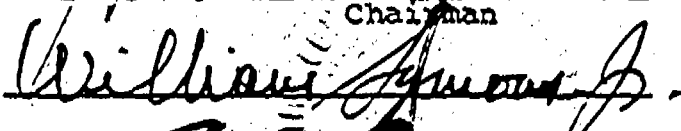
5. In all other respects Decision No. 66195, as amended, shall remain in full force and effect.

The effective date of this order shall be June 28, 1971.

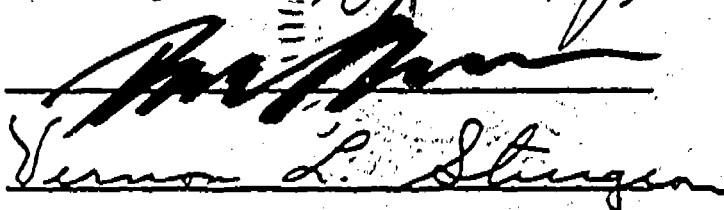
Dated at San Francisco, California, this 22nd day of June, 1971.



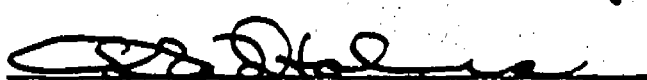
Chairman



William J. Quinn



Vernon L. Stinson



Commissioners

EXCEPTION RATINGS TARIFF 1

| SECTION 2--RATINGS WHICH ARE EXCEPTIONS TO THE CC (Continued) | | 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 | Rating | |
| Egg Case or Egg Carrier Filler Flats (fillers and flats combined) molded wood-pulp, nested, in packages (60360) Truckload: Minimum weight 24,000 pounds (Subject to Note)----- NOTE.--Minimum weight applies to each unit of carrier's equipment used in the transportation of a single shipment. A unit of equipment includes any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit. | 60 | 450 |
| 6Compounds, Tree or Weed Killing (Herbicides), NOI, (50320), see Notes 1 through 8: Truckload: Minimum Weight 45,000 pounds----- *NOTE 1.--Applies only when all provisions of the following notes are met. Otherwise, provisions of the Governing Classification shall apply. *NOTE 2.--Rates resulting from application of the provisions of this item do not alternate with other rates and charges and may not be used in combination with any other rates. *NOTE 3.--Applies only in connection with prepaid shipments released to 50¢ per pound per article. Shipper must enter the following statement on the bill of lading or shipping document: "The agreed or declared value of the property is hereby stated by the shipper to be not exceeding 50¢ per pound, for each article." If shipper fails or declines to declare such value in writing, the provisions of this item will not apply. *NOTE 4.--Applies only in connection with shipments loaded by consignor and unloaded by consignee with power equipment, furnished and used without expense to the carrier. In such circumstances, physical assistance of carrier employee is restricted to work within or on carrier's equipment and does not include stacking, unstacking, removal or placement of merchandise on pallets. *NOTE 5.--The free weight of pallets containing commodities moving under provisions of this item is limited to 5% of the weight on which transportation charges are computed. *NOTE 6.--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 moving under rates in this item, each such vehicle or combination of vehicles shall be subject to the highest minimum weight applicable to any rate used in computing charges. *NOTE 7.--Not more than 3 component parts shall be permitted in connection with shipments moving in split pickup or split delivery service. *NOTE 8.--When moving in mixed shipments with other commodities, the entire shipment shall be subject to the provisions of Notes 4 and 6 hereof. | 35.4 | (E) 460 |
| (E) Expires with September 30, 1971. (1) Item 480 transferred to Original page 20-A. Change) * Addition) Decision No. 78818 o Increase) | | |
| EFFECTIVE | | |
| Correction | | ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA |

| SECTION 2--RATINGS WHICH ARE EXCEPTIONS TO THE GC (Continued) | | (1) 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 | Rating | |
| <p>Confectionery, viz.: (See Note 1) Candy fondant (candy filler), confectionery paste or powder, NOI, or icing paste, (39940) (39942) Candy or confectionery, NOI, or chocolate candy or confectionery, including milk chocolate candy or confectionery, (see Note 2) (39970) (39974) Chocolate (39990) Chocolate coating (40015) Coating, candy, other than chocolate (40010) Cocoa or cocoa paste (72520) (72522) Cocoa butter (72540) Cough drops or tablets, NOI (58730) Gum, chewing (40040) Ice cream coating, NOI (40050) Icing powder (40060) (40062) Licorice compound, penny pieces (40080) Nuts, edible, shelled, plain, salted or sweetened (141660) (141760) (141780) (141820) Roasted Corn Kernels, whole, not popped, dry, salted or not salted</p> <p>Less truckload -----</p> <p>NOTE 1.--The rating set forth in this item is subject to a released value of 75 cents or less per pound for each article.</p> <p>NOTE 2.--Not subject to the notes set forth under Items 39976 and 39978 of the Classification.</p> | <p>480</p> <p>55</p> | |
| (1) Item transferred from Tenth Revised Page 20, Decision No. | | 78818 |
| EFFECTIVE | | |
| Correction | ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA. | |