

ORIGINAL

Decision No. 79109

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 com- )  
modities 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. 661)  
(Filed July 19, 1971)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, Heublein, Inc., seeks to have MRT 2 amended by including cooking, flavoring or seasoning wine in the commodity description therein governing certain exception ratings on canned goods.<sup>1</sup>

Petitioner states that the commodity in question is manufactured by its Consumer Products Division and distributed throughout the Western United States in 12 12-ounce or 4 1-gallon sealed bottles packed in fibreboard cases with fibreboard inner dividers. Petitioner declares that (1) each case of 12-ounce bottles weighs 19 pounds and has a density of 37.22 pounds per cubic foot and (2) each case of 1-gallon bottles weighs 47.25 pounds and has a density of 31.43 pounds per cubic foot.

<sup>1</sup> The specific commodity, as described in Item 75430 of National Motor Freight Classification A-12, is "Wine, cooking, flavoring or seasoning (Wine, salted or sugared), in boxes."

Petitioner alleges that cooking wine compares favorably in value and density with numerous other canned goods products currently included in the aforementioned commodity description of MRT 2 and that it has similar shipping characteristics. Petitioner avers that cooking wine is currently included in canned goods groupings in numerous freight tariffs throughout the country but is not contained in the canned goods description in MRT 2. Petitioner contends that cooking wine is competitive with many articles that are included in said canned goods description.

Copy of the petition was mailed to California Trucking Association on July 15, 1971. The petition was listed on the Commission's Daily Calendar of July 20, 1971. No objection to the granting of the petition has been received.

Commission staff analysis indicates that the rates in MRT 2 are higher for cooking wine than for various related items that are subject to the "canned goods" rates in the tariff. Appendix B to the petition demonstrates that the transportation characteristics of cooking wine compare favorably with those of other commodities that are currently subject to the lower "canned goods" rates. The staff recommends that the petition 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 should be granted.

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 October 9, 1971, Eighth Revised Page 9-A and Thirteenth Revised Page 31, 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 necessary to conform with the further adjustments 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 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.

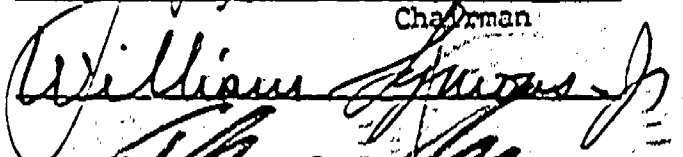
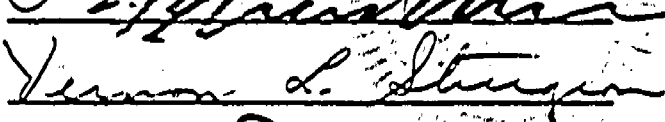

4. Common carriers, in establishing and maintaining the ratings authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such 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 31<sup>st</sup> day of August, 1971.

  
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Chairman

  
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\_\_\_\_\_  
Commissioners

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
Tea	360	Vegetable Oil Shortening	335.5
Tea, extract of (condensed or instant), dry	360	Vegetables (not dehydrated, dried, evaporated nor fresh)	320-1
Ties, railroad	690,710	Veneering	690,700,710
Tile	318	Vermicelli, except canned	360
Timbers	690,700,710	Vermicelli (prepared)	320
Tire Tubes (M)	377.5,723-726	Vermicelli, dry, and other ingredients	345,360
Tires, Pneumatic (M)	377.5,723-726	Vermouth	400
Tools, Mechanics' (M)	365	Vinegar	320-1
Towers, Water Cooling, Atmospheric (M)	365	Washing Powders	730-732
Triglycerides of Fat-forming Acids	335.5	Washing Soda	730-732
Trisodium Phosphate	730-732	Wax, automobile, boat, floor or furniture (M)	377.5,723-726
Trucks, Steam Boiler (M)	365	Wax, boat, floor, furniture or vehicle	730-732
Tubes, Boiler	365	Wax, Laundry Compound	360
Tubing, iron or steel, cast or wrought, plate or sheet	365	Welsh Rarebit	320-1
Tubing, iron or steel, well casing or drilling	365	Wheat Germ	652-654
Tubs, Woodenware	758	Whey	345
Urea	652-654	Wine	400
Valves, iron or brass (M)	365	Wine, cooking	320-1
Valves, Pump Working Barrel	365	Wood Preservatives (M)	377.5,723-726
Vaults, Grave	334.8	Wool, Steel	410
Vaults, Utility	334.8	Yeast or Yeast Powder	360

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

\* Addition, Decision No. **79109**

EFFECTIVE

Correction

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

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>CANNED GOODS (Concluded)                      (Items 320 and 320-1)</p> <p>CANNED GOODS in inner containers of earthenware, glass, molded plastic, hermetically-sealed fibreboard, or metal cans, in outer containers, viz.: boxes, fibreboard boxes or crates; or in metal cans in metal strapped bundles; or in bulk in the following containers: barrels, hogsheads, pipes, puncheons, tierces, casks, drums, half-barrels, quarter-barrels, sixth-barrels, eighth-barrels or kegs; not subject to Item 300, viz.:</p> <p>Molasses (74090 or 74110)                      Mushrooms (74130)                      Oil, cooking or salad (144800 or 145100)                      Oil, olive (145190)                      Olives (74180)                      Peanut Butter, Peanut Paste, or Peanut Spread (74220)                      Pectin (74240)                      Pickles (74300)                      Pie Preparation (fruit in syrup or in paste form compounded with flour or sugar and flavored) (73240)                      Potatoes, cooked and powdered (74450)                      Puddings (74520)                      Ravioli (prepared), with or without cheese, meat or vegetable ingredients (73200)                      Rice-and-milk, cooked (73200)                      Salads, Fish, Macaroni, Meat or Vegetable (74640)                      Sandwich Spreads (74680)                      Sausage (134780 or 134800)                      Sausage Casings (172480)                      Syrups (74110, 75120, 75140, 75150, 75170 or 75180)                      Table Sauces, Catsup, Salad Dressing, Mayonnaise, Prepared Horseradish, Prepared Mustard and Pepper Sauce (74710)                      Vegetables and commodities (74720, 75320 or 75322)                      Vinegar (75360)                      Welsh Rarebit (75420)                      Wine, cooking, flavoring or seasoning (salted or sugared) (75430)</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>		<p>4320-1</p> <p>50.1</p> <p>35</p> <p>35.1</p> <p>35.2</p> <p>(1)35.3</p>
<p>Change }                      * Addition }</p>	<p>Decision No. <b>79109</b></p>	
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