

ORIGINAL

Decision No. 79119

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. 105)  
of Exception Ratings Tariff No. 1. ) (Filed August 17, 1971)

OPINION AND ORDER

The Commission's Exception Ratings Tariff No. 1 (ERT 1) contains various interim exception ratings, which apply in lieu of those named in National Motor Freight Classification A-12 and govern various minimum rate tariffs making specific reference thereto.<sup>1</sup>

By the above petition, Chevron Chemical Company, Blanco Products Company, a division of Eli Lilly and Company, and Stauffer Chemical Company seek to extend the expiration date governing the truckload exception rating in ERT 1 on "tree and weed killing compounds, NOI" from September 30, 1971, to December 31, 1972. Petitioners also request that common carriers be authorized and directed to establish in their respective tariffs 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 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 aver that meetings between shippers and carriers have been held and an analysis has been made of these commodities in

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<sup>1</sup> Minimum Rate Tariffs 1-B, 2, 9-B and 19.

comparison with other commodities. Petitioners assert that a conclusion has been reached that the truckload exception rating should be subject to several restrictions but that it has not been possible to arrive at answers agreeable to both carriers and shippers and more time is needed to evaluate the effect of such restrictions. Petitioners aver that it has been mutually agreed by both carriers and shippers that the best interests of both will be served by continuing in effect the existing exception rating on tree and weed killing compounds to December 31, 1972, so that a permanent rating may be determined.

Copy of the petition was mailed to California Trucking Association on August 16, 1971. The petition was listed on the Commission's Daily Calendar of August 18, 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-12 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 and 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 October 1, 1971, Twelfth Revised Page 20 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.


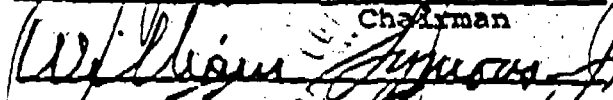
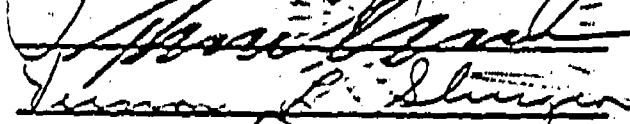

3. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than one day after the effective date of this order on not less than one day's notice to the Commission 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 page 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 September 24, 1971.

Dated at San Francisco, California, this 31<sup>st</sup> day of August, 1971.

  
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Chairman  
  
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Commissioners

EXCEPTION RATINGS TARIFF 1

SECTION 2--RATINGS WHICH ARE EXCEPTIONS TO THE GC (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	
<p>Egg Case or Egg Carrier Filler Flats (fillers and flats combined) molded wood-pulp, nested, in packages (60360)</p> <p>Truckload:            Minimum weight 24,000 pounds (Subject to Note)-----</p> <p>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.</p>	60	450
<p>Compounds, Tree or Weed Killing (Herbicides), NOI, (50320), see Notes 1 through 8:</p> <p>Truckload:            Minimum Weight 45,000 pounds-----</p> <p>NOTE 1.--Applies only when all provisions of the following notes are met. Otherwise, provisions of the Governing Classification shall apply.</p> <p>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.</p> <p>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:</p> <p>"The agreed or declared value of the property is hereby stated by the shipper to be not exceeding 50¢ per pound, for each article."</p> <p>If shipper fails or declines to declare such value in writing, the provisions of this item will not apply.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>NOTE 7.--Not more than 3 component parts shall be permitted in connection with shipments moving in split pickup or split delivery service.</p> <p>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.</p>	35.4	(E) 460
<p>⊘ (E) Expires with December 31, 1972.</p> <p>⊘ Change Decision No. <b>79119</b></p>		
EFFECTIVE		
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	