

Decision No. 79241

**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 )  
carriers 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. 669)  
(Filed September 7, 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, Mead Johnson and Company seeks to have MRT 2 amended by including soybean milk compound in the commodity description governing certain exception ratings on canned goods.

Petitioner states it is engaged in manufacturing and selling, throughout the United States, various items of processed food and dietary supplements in packages, including an item, marketed under the trade name of "SOBEE" or "PROSOBEE", which consists of soybean milk compound.<sup>1</sup> Petitioner avers that

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<sup>1</sup> This product is in liquid and powdered form and packed in thirteen to thirty-two ounce containers. Its value ranges from 17 cents to 74 cents per pound. Soybean milk compound is competitive with products such as Milk Beverage, liquid, flavored and Milk Food, other than malted, liquid, which now are included in Item 320 of Minimum Rate Tariff No. 2.

soybean milk compound 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 soybean milk compound is similar in shipping characteristics, competitive with and compares favorably in value and density with many articles that are included in said canned goods description.

Copy of the petition was mailed to California Trucking Association on August 18, 1971. The petition was listed on the Commission's Daily Calendar of September 10, 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 soybean milk compound than for various related items that are subject to the "canned goods" rates in the tariff. Exhibit 1 of the petition demonstrates that the transportation characteristics of soybean milk compound 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 non-discriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

A minor publication error concerning the current Cal.P.U.C. number of the Governing Classification as set forth in Item 10 of MRT 2 will also be corrected by the order herein.

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 November 21, 1971, Forty-sixth Revised Page 9, Forty-fourth Revised Page 11 and Fourteenth 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.


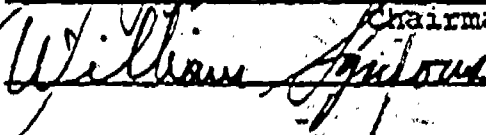
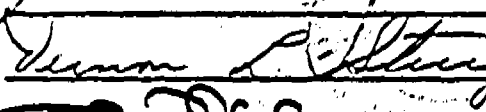

3. Tariff publications authorized to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order and may be made effective on not less than ten 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 pages 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 13<sup>th</sup> day of October, 1971.

  
Chairman  
  
  
  
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

## 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, Drain pipe	730-732
Salads, Fish, Macaroni, Meat or Vegetable	320-1,360	Soups	320
Salt, common	380	Sour, laundry	730-732
Salt (M)	360	Soybean Milk Compound	320-1
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	383,652-654½	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	652-654½	Stout	310,360
Shells, Nut	652-654½	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	Syrup, Malt	360
Soap, liquid (M)	377.5,723-726	Syrups, Fruit	360
Soap, liquid	730-732	Table Sauces	320-1
Soap, powder	730-732	Tankage	760
Soda, Washing	730-732	Tanks, steel (M)	365
Sodium Hypochlorite Solution	730-732	Tapioca	360
Softeners, textile	730-732		
Solvent (M)	377.5,723-726		

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

\* Addition, Decision No.

**79241**

EFFECTIVE

Correction

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

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;"><b>DEFINITIONS OF TECHNICAL TERMS</b> (Items 10, 11 and 12)</p> <p><b>AIR-MILE</b> means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p><b>ARMORED CAR</b> means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p><b>CARRIER</b> means a radial highway common carrier, a highway contract carrier, a cement contract carrier or a dump truck carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods Carriers Act.</p> <p><b>CARRIER'S EQUIPMENT</b> means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles operated as a single unit.</p> <p><b>COMMON CARRIER RATE</b> means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; any interstate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b)(6) or Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p><b>COMPONENT PART</b> means any part of a shipment received by the carrier whether or not such part is separately delivered by the carrier; and any part of a shipment separately delivered by the carrier whether or not such part is separately received by the carrier.</p> <p><b>CONSIGNOR</b> means the person, firm or corporation shown on the bill of lading as the shipper of the property received by the carrier for transportation.</p> <p><b>DANGEROUS ARTICLES TARIFF</b> means Motor Carriers' Explosives and Dangerous Articles Tariff 14, Cal.P.U.C. 9, of American Trucking Associations, Inc., Agent.</p> <p><b>DEBTOR</b> means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party.</p> <p><b>DISTANCE TABLE</b> means Distance Table 7 issued by the Cal.P.U.C.</p> <p><b>ESCORT SERVICE</b> means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</p> <p><b>ESTABLISHED DEPOT</b> means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p><b>EXCEPTION RATINGS TARIFF</b> means Exception Ratings Tariff 1 issued by the Cal.P.U.C.</p> <p><b>GOVERNING CLASSIFICATION</b> means National Motor Freight Classification A-12, Cal. P.U.C. 10, of National Motor Freight Traffic Association, Inc., Agent.</p> <p><b>HOLIDAYS</b> means New Year's Day (January 1), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Fourth of July, Labor Day (the first Monday in September), Thanksgiving Day, the Day after Thanksgiving, December 24 and Christmas Day (December 25). When a holiday falls on Sunday, the following Monday shall be considered as a holiday.</p> <p><b>INDEPENDENT-CONTRACTOR SUBHAULER</b> means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to result of the work only and not as to the means by which such result is accomplished.</p> <p style="text-align: right;">(Continued in Item 11)</p>	610
6 Change, Decision No. <b>79241</b>	
<b>EFFECTIVE</b>	
<div style="display: flex; justify-content: space-between;"> <span>Correction</span> <span>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</span> </div>	

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