

Decision No. 79357

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. 104)  
of Exception Ratings Tariff No. 1. ) (Filed August 9, 1971)

OPINION AND ORDER

Wilbur-Ellis' Company seeks the publication of specified exception ratings for "Clay NOI" in Exception Ratings Tariff No. 1 (ERT 1). The proposed ratings are class 35.4 when the clay is transported in bags and class 35.3 when transported in bulk. The ratings would be subject to a minimum weight of 45,000 pounds and to several restrictive rules.<sup>1</sup>

The established rating for "Clay NOI" is class 35.2, minimum weight 40,000 pounds, as set forth in Item 1030 of ERT 1. This tariff item is scheduled to expire with December 31, 1971. Thereafter, the class rating for "Clay NOI" will be class 35 for truckload lots, subject to a minimum weight of 60,000 pounds, as prescribed in Item 48170 of National Motor Freight Classification A-12.

Petitioner states that it is engaged in the mining, processing and distribution of a clay product named "Bentonite" and that this material is used for a variety of purposes, including sealant in ponds, reservoirs and ditches, and as a supplement for animal and poultry feed.

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<sup>1</sup> The specific proposal is set forth in Exhibit "A" of the petition.

Petitioner alleges that the essential transportation characteristics of "Bentonite" are as favorable or more favorable to carriers than other commodities enjoying the same ratings as herein proposed. It contends that one of such favorable conditions is the high density and low value of the product which allows loading of carriers' equipment to the maximum. Petitioner declares that the proposed restrictions are consistent with similar provisions currently maintained in Commission minimum rate tariffs.

Petitioner asserts that the establishment of the proposed ratings will act to hold existing traffic and hopefully stimulate other movements of this commodity by for-hire carriers. Petitioner also asserts that the details of the proposal have been discussed with carriers currently transporting "Bentonite" and who support the proposal.

The certificate of service shows that a copy of the petition was mailed to California Trucking Association on August 6, 1971. The petition was listed on the Commission's Daily Calendar of August 10, 1971. No objection to the granting of the petition has been received.

Commission staff analysis indicates that the transportation characteristics of Bentonite (Clay NOI) are similar to various commodities subject to the minimum rates named in several of the Commission minimum rate tariffs. The proposal would generally result in rates lower than the class rates currently applicable to the transportation involved. The staff recommends that the petition be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that the proposed truckload exception ratings on "Clay NOI" are reasonable and the resulting minimum rates will be just, reasonable and nondiscriminatory minimum rates for the transportation involved. 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 hereby further amended by incorporating therein, to become effective December 28, 1971, Thirtieth Revised Page 3 and Second Revised Page 17, attached hereto and by this reference made a part hereof.

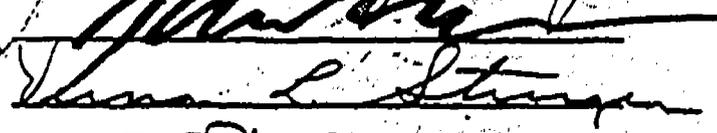
2. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and shall be made effective not later than December 28, 1971.

3. 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.

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

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

Dated at San Francisco, California, this 22<sup>nd</sup> day of NOVEMBER, 1971.

  
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Chairman  
  
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Commissioners

INDEX OF COMMODITIES			
COMMODITIES	ITEM	COMMODITIES	ITEM
Acids	1200	Kernels, Corn, roasted	480
Articles as described in the Governing Classification	1030-1050	Ladders, step	900
Blankets	1800	Logs, compressed sawdust	600
Briquettes, wood	180	Machines, viz.:	
Cans, ash, garbage, oiled, waste, refuse	1680	Accounting Card	
Carriers, old (used)	280	Copying, Duplicating or Reproducing	1850
Carriers, used packages	300, 320, 321, 340	pads, sanitary	755
Cartons, egg, pulp	270	Paper or Paper Articles	1640
Chemicals	1320	Returned Shipments	820
Clay, viz.: (Bentonite)	366	Rubber Articles	1660
Cocoa or Cocoa paste	480	Salt, common (Sodium Chloride)	880
Compounds, tree and weed killing	460	Shipments, returned	820
Confectionery	480	Stepladders	900
Containers, Sheet steel	1855-1857	Sugar	940
Fertilizers	540,560,580	Wood Briquettes	180
Flowers, fresh, cut	592	Wood, fuel	600
Furniture	1020	Wood, kindling	600
Furniture and related articles	990-1--1000		

\* Addition, Decision No.

79357

EFFECTIVE

Correction

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

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
<p>Clay, viz.: Bentonite, crushed, ground or pulverized (40170)</p> <p>Truckload:            Minimum Weight 45,000 pounds            in bags (Subject to Notes 1 through 8)-----            in bulk, in carrier's pneumatic equipment (Subject to Notes 1 through 8)--</p> <p>NOTE 1.--Applies only when all provisions of the following Notes are met. Otherwise, apply provisions of the Governing Classification.</p> <p>NOTE 2.--Applies only in connection with straight shipments of commodities named in this item.</p> <p>NOTE 3.--Rates resulting from application of the provisions of this item do not alternate with other rates and charges in this tariff and may not be used in combination with any other rates.</p> <p>NOTE 4.--Applies only in connection with shipments loaded by consignor and unloaded by consignee. In such circumstances, physical assistance of the 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.--Not more than 3 component parts shall be permitted in connection with shipments moving in split pickup or split delivery service.</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, each such vehicle or combination of vehicles shall be subject to the minimum weight named in this item.</p> <p>NOTE 7.--Applies only in connection with prepaid shipments released to one-half of actual value or 50¢ per pound, per article, whichever is less. Shipper must enter the following statement on the bill of lading as follows:</p> <p style="padding-left: 40px;">"The agreed or declared value of the property is hereby stated by the shipper to be one-half of actual value or 50¢ per pound, per article, whichever is less."</p> <p>If shipper fails or declines to declare such value in writing, the provisions of this item will not apply.</p> <p>NOTE 8.--An allowance of one hour free time for loading and one hour free time for unloading shall be made for each unit of equipment used. Excess loading or unloading time shall be computed at the rates named in the applicable rate tariff. Time shall be computed from the time of arrival of carrier's equipment at place of loading or unloading until loading or unloading is completed and equipment is released.</p>	<p>35.4 35.3</p> <p style="text-align: right;">*366</p>
<p>* Addition, Decision No. <span style="margin-left: 100px;">79357</span></p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,            SAN FRANCISCO, CALIFORNIA</p> <p>Correction</p>	