

jmd

Decision No. 79409

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 highway)
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).

And Related Matter.

Case No. 5432
Petition for Modification
No. 670
(Filed September 10, 1971;
Amended September 22, 1971)

Case No. 7858
Petition for Modification
No. 111
(Filed September 10, 1971;
Amended September 22, 1971)

O P I N I O N

California Trucking Association (CTA), petitioner, seeks the modification of and extension of the expiration date of Items 330, 330.5 and 331 of Minimum Rate Tariff 2 (MRT 2) and Items 80 and 340 of Exception Ratings Tariff 1 (ERT 1). Said items contain exception ratings on Carriers (Used Packages) Secondhand, Empty. Said tariff provisions are subject to an expiration date of September 30, 1971, pursuant to Decision No. 78381, dated March 2, 1971, in Case No. 5432, Petition No. 610, et al. Said expiration date was extended by Decision No. 79148, dated September 8, 1971, until further order of the Commission in view of the Executive Order of the President of the United States, announced August 15, 1971, imposing a freeze on price and wage increases for ninety days.

Petitioner proposes that the provisions of Items 330 and 330.5 of MRT 2 be modified by eliminating the exception truckload rating of Class 35.4, and by restricting the application of the less truckload rating of 50 percent of Class 55 to a limited group of used

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containers. Petitioner proposes to eliminate from Item 331 of MRT 2 the less truckload exception rating on metal freight carts. CTA proposes to continue Items 80 and 340 of ERT 1 in effect without change. The expiration date of the foregoing tariff items is proposed to be extended to April 30, 1972. Petitioner's proposal would result in the expiration of the ratings and provisions relating to empty used carriers in Items 280 and 300 of ERT 1.

The petition alleges that the Commission retained existing exception ratings on a temporary basis when it adopted National Motor Freight Classification No. A-10 to govern the class rates in MRT 2 pursuant to Decision No. 74310 (68 Cal. P.U.C. 445). That decision iterated that in order to maintain exception ratings different than those set forth in the Governing Classification, it must be shown that transportation conditions and circumstances in California intra-state traffic are different from those prevailing elsewhere. Existing exception ratings in MRT 2 and ERT 1 were established as temporary provisions subject to an expiration of December 31, 1970, in order to determine whether, in fact, said ratings would be appropriate and justified to apply as exceptions to the ratings and provisions of National Motor Freight Classification A-10. The exception ratings on empty carriers were considered in Case No. 5432, Petition 610, et al. Decision No. 78381 in Petition No. 610 extended to September 30, 1971, the exception ratings on empty carriers, stating that the principal parties to that proceeding concurred in a motion to extend the expiration date of said ratings in order to provide the necessary time in which permanent provisions may be evolved through voluntary and cooperative action of shipper and carrier groups.

The petition herein states that efforts have been made to reach a solution in the manner contemplated in Decision No. 78381. It asserts that such efforts necessarily have included an evaluation concerning the extent to which transportation circumstances and conditions within California differ from those generally prevailing elsewhere.

Petitioner represents that the proposals herein are an initial modification of existing tariff provisions and are not necessarily reflective of those which shippers and carriers may develop following further consideration; accordingly, such proposals are requested to expire April 30, 1972. The petition asserts that such handling will allow affected parties to continue working toward a voluntary and permanent solution in accordance with previously stated Commission orders and standards.

Petitioner states that it is of the opinion that the proposals made herein are in the best interests of shippers and carriers generally and that in such circumstances, and in consideration of the existing expiration date, this is a proper matter for expedited ex parte handling by the Commission.

Copies of the petition were served upon interested parties, and notification of the filing of the petition and amendment appeared on the Commission's Daily Calendar. The California Manufacturers Association, through its Director of Transportation and Distribution, has informed the Commission that the proposal herein was coordinated with the members of said organization and that the association supports the relief sought. The California Brewers Association, by its freight traffic consultant, has informed the Commission that said organization has no objection to the changes proposed herein. No objection to the granting of the petition has been received.

The Commission Transportation Division staff has analyzed the petition and recommends that it 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, and, to the extent that the proposal results in increases they are in the lower zone of reasonableness and are consistent with the Federal Government's economic stabilization program and are justified. The Commission concludes that the petition should be granted.

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O R D E R

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 January 1, 1972, Fifty-fifth Revised Page 5, Fourteenth Revised Page 31-A, Fifth Revised Page 31-AA, Original Page 31-AAA, and Seventh Revised Page 31-B, attached hereto and by this reference made a part hereof.

2. Exception Ratings Tariff 1 (Appendix A to Decision No. 66195, as amended) is further amended by incorporating therein to become effective January 1, 1972, Fifth Revised Page 7, Sixth Revised Page 13, and Fourth Revised Page 15, attached hereto and by this reference made a part hereof.

3. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decisions Nos. 31606 and 66195, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

4. 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 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 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.

5. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the

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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 amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

6. In all other respects Decisions Nos. 31606 and 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 23rd
day of NOVEMBER, 1971.

William J. ... Chairman
...
...
... Commissioners

Commissioner J. P. Vukasin, Jr., 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
Candles (M)	377.5,723-726	Cocoa	360
Candy	360	Cocanut, prepared	333.5
Candy coating, other than chocolate	360	Coffee	360
Canned Goods	320-320-1, 620,630	Coffee, extract of (condensed or instant), dry	360
Carriers, (used packages), malt or cereal beverage	331	Coffee Substitutes	360
Carriers (used packages)	6330.6, 331	Coloring, Confectioners'	360
Carts, Freight	331	Compound, cleaning (M)	377.5,723-726
Catsup	320-1	Compound, electrical insulating (M)	377.5,723-726
Cement, pipe fitting (M)	377.5,723-726	Compound, metal cutting, drawing or drilling (M)	377.5,723-726
Cereal and Nuts combined	360	Compound, paint thinning (M)	377.5,723-726
Cereal Food Preparations (M)	360	Compound, pneumatic tire mounting (M)	377.5,723-726
Cheese	335.5	Compound, radiator cleaning (M)	377.5,723-726
Cheese Foods	335.5	Compound, rust preventing or removing (M)	377.5,723-726
Chili, ground	320	Compound, type cleaning (M)	377.5,723-726
Chips, Wood	635-636	Compound, waterproofing (M)	377.5,723-726
Chloride of Lime Bleach	730-732	Compounds, ammonia	730-732
Chocolate	360	Compounds, antifreeze (M)	377.5,723-726
Chocolate Coating	360	Compounds, buffing or polishing	730-732
Chowders	320	Compounds, Cleaning, Scouring or Washing	730-732
Citrus Fruit Juice Powders or Crystals	360	Compounds, carbon, gum or sludge removing (M)	377.5,723-726
Clay, Fire (M)	365		
Coating, candy, other than chocolate	360		
Coating, Chocolate	360		

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

Change, Decision No.

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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>Item canceled.</p>	<p>** 330</p>
<p>** Eliminated, Decision No. 79409</p>	
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p>Item canceled.</p>	<p>** 330.5</p>
<p>** Eliminated, Decision No. 79409</p>	
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">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>	<p style="text-align: center;">Class Rating</p>
<p>CARRIERS (USED PACKAGES), SECONDHAND, EMPTY, subject to Notes 1 and 2, viz.:</p> <p>Barrels, Drums or Kegs, sheet iron or steel (40830) Bottles, Carboys or Demijohns, NOI, glass, one gallon or less (87700) Bottles, plastic, one gallon or less, in barrels, boxes or crates, with or without covers (156600) Boxes, fibreboard, KD flat or folded flat, in packages (29275, 29280) Carboys, glass, in boxes, with or without neck protection (87840) Carriers, NOI (40850, Sub 2) Crates, bottle carrying (40883, 40885, 40890, 40900, 40910, 40920, 40930) Cylinders, for shipping air, gases or liquids under pressure (41150, 41160) Drums, shipping, fibreboard, nested (21840, Sub 2) Pallets, metal or wooden, shipping (150370, 150390) including inside spacers or supports for palletized loads Reels (41330, Sub 5)</p> <p>Less truckload</p> <p>(1) Subject to minimum rate of 41 cents per hundred pounds or actual Class 55 rate whichever is lower. On continuous through movements on which charges are obtained by use of combinations of separately established rates, the minimum rate stated above shall apply, not in connection with the separately established factors, but to the total of the combined rate applicable to the through continuous movement.</p> <p>NOTE 1.--Applies only on Carriers (used packages), secondhand, empty, returning, or when shipped for return paying load. Applies only when return movement is over same line, or lines, as outbound movement, subject to Item 291 of this tariff, except as provided in Note 2; and subject also to estimated weights, if any, which are published in the Governing Classification.</p> <p>NOTE 2.--If the charge accruing under the rating in the Governing Classification is lower than the charge accruing under the exception rating contained herein, the lower charge resulting from the Governing Classification rating will apply.</p>	<p style="text-align: center;">(1) 50% of 55 (E) 330.6</p>
<p>(E) This item expires with April 30, 1972.</p>	
<p>* Addition, Decision No.</p>	
<p>79409</p>	
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">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>	<p style="text-align: center;">Class Rating</p>
<p>CARRIERS (USED PACKAGES), Malt Beverage or Cereal Beverage, wooden, metal or wood and metal combined, subject to Notes 1 and 2, viz.:</p> <p>Barrels, Half Barrels, Casks, Drums, Hogsheads, Kegs, Puncheons, Tierces (21720, 21740, 21760 or 21780),</p> <p>Bottle Carriers (bottle carrying boxes or crates with permanently fixed partitions) (40883, 40885, 40890, 40900, 40910, 40920 or 40930),</p> <p>Bottles ** (87700) (old, capacity not exceeding one quart) in boxes, barrels, or in bulk securely braced.</p> <p>Less truckload-----</p> <p>Truckload: Minimum Weight 20,000 pounds-----</p> <p>**</p> <p>(1) With truckload shipments of commodities subject to this exception rating, there may be included:</p> <p>Malt Liquors, viz.: Ale, Beer, Porter or Stout (unfit for human consumption), quantity not to exceed 2,000 pounds. The weight of such Malt Liquors (actual weight of which must be certified to by the shipper on shipping order) is not to be used in determining the minimum truckload weight of the containers shipped.</p> <p>**</p> <p>NOTE 1.--Applies only on Carriers (used packages), secondhand, empty, returning, or when shipped for return paying load. Applies only when return movement is over same line, or lines, as outbound movement, subject to Item 291 of this tariff, except as provided in Note 2; and subject also to estimated weights, if any, which are published in the Governing Classification.</p> <p>NOTE 2.--If the charge accruing under the rating in the Governing Classification is lower than the charge accruing under the exception rating contained herein, the lower charge resulting from the Governing Classification rating will apply.</p> <p>**</p>	<p style="text-align: center;">Governing Classification Ratings Apply</p> <p style="text-align: center;">(1)35.3</p> <p style="text-align: center;">#331</p>
<p> } } Change } Decision No. 79409 ** Eliminated } </p>	
<p>EFFECTIVE</p>	
<p>Correction .</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES (Concluded)		ITEM
SUBJECT	DESCRIPTION	
References to Items and Other Tariffs	Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs or classifications include references to amendments and successive issues of such publications.	50
Shipments Loaded on Elevating Truck Pallets or Platforms or Lift Truck Skids	Articles loaded on elevating truck pallets or platforms or lift truck skids will be rated the same as when such articles are not loaded and not transported on elevating truck pallets or platforms or lift truck skids. When used, such elevating truck pallets or platforms or lift truck skids must be furnished and installed by the shipper at his expense. Transportation charges for the weight of the elevating truck pallets or platforms or lift truck skids will be at the rate applicable on the freight which they accompany and the weight of such elevating truck pallets or platforms or lift truck skids may be used to make up the minimum weight applicable to the freight which they accompany.	60
Empty Packages or Carriers, Secondhand	<p>When Empty Packages or Carriers, as described below, are offered for shipment at the rates published in tariffs governed by this ERT:</p> <p>(a) Empty Packages or Carriers, secondhand, empty, returned: The carrier must determine that such packages were moved filled and are being returned over the same carrier or carriers to consignor of the original filled packages at locations from which original filled packages were shipped or to another location;</p> <p>(b) Empty Packages or Carriers, secondhand, forwarded for return paying loads: Carrier must determine that such packages will, when filled, be moved over the same carrier or carriers to the consignor of the original empty packages at locations from which original empty packages were shipped or to another location;</p> <p>otherwise carrier will apply the ratings for secondhand packages or carriers not returned.</p>	(E) 80
Dangerous Articles	<p>Dangerous Articles include those articles described in and subject to the provisions of the Dangerous Articles Tariff.</p> <p>Dangerous Articles must not be accepted for transportation unless at the time of or prior to the initial pickup the consignor has furnished to the carrier written information as required under the regulations of the Dangerous Articles Tariff.</p>	90
<p>6 (E) Expires with April 30, 1972.</p> <p>6 Change, Decision No. 79409</p>		
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)			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		
	LTL	TL	
<p>Carriers, Shipping, viz.:</p> <p>Cartons, egg, pulp (41520) Minimum weight 24,000 lbs. (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	270
Items canceled. Governing Classification ratings apply.			◊280
			◊300
◊ Increase, Decision No. 79409			
EFFECTIVE			
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		

SECTION 2--RATINGS WHICH ARE EXCEPTIONS TO THE CC (Continued)		ITEM												
ARTICLES														
<p>Carriers (used packages), as described in Items 320 and 321, subject to Notes 1 and 2, viz.: (Concluded)</p> <p>With truckload shipments of articles named below there may be included at a rating provided therefor:</p> <p>Malt Liquors, viz.: Ale, Beer, Porter or Stout, that is unfit for human consumption in quantity not exceeding 2,000 lbs.</p> <p>The weight of the Malt Liquors (actual weight of which must be certified to by shipper on shipping order) not to be used in determining the minimum truckload weight of the containers.</p> <p>* Carriers (used packages), viz.:</p> <table border="0"> <tr> <td>Barrels,</td> <td>Hogsheads,</td> <td>)</td> </tr> <tr> <td>Half Barrels,</td> <td>Kegs,</td> <td>) ale, beer or cereal beverages, wooden,</td> </tr> <tr> <td>Casks,</td> <td>Punchons,</td> <td>) metal or wood and metal combined,</td> </tr> <tr> <td>Drums,</td> <td>Tierces,</td> <td>)</td> </tr> </table> <p>Bottle Carriers (bottle-carrying boxes or crates, with permanently fixed partitions), Bottles (old, capacity not exceeding one quart), in boxes, barrels or in bulk securely braced.</p> <p>* Subject, unless otherwise provided, to ratings, minimum weights and other provisions of this item.</p> <p>(1) Freight charges on shipments of empty Cement or Plaster Bags must be prepaid.</p> <p>(2) Subject to less-truckload rating only.</p> <p>NOTE 1.--Applies only on Carriers (used packages), secondhand, empty, returning, or when shipped for return paying load. Applies only when return movement is over same line, or lines, as outbound movement, subject to Item 80, except as provided in Note 2 and subject also to estimated weights, if any, which are published in the CC.</p> <p>NOTE 2.--If the charge accruing under the rating in the governing classification is lower than the charge accruing under the resulting rating contained herein, the lower charge resulting from the classification will apply.</p>		Barrels,	Hogsheads,)	Half Barrels,	Kegs,) ale, beer or cereal beverages, wooden,	Casks,	Punchons,) metal or wood and metal combined,	Drums,	Tierces,)	321
Barrels,	Hogsheads,)												
Half Barrels,	Kegs,) ale, beer or cereal beverages, wooden,												
Casks,	Punchons,) metal or wood and metal combined,												
Drums,	Tierces,)												
<p>Carriers (used packages), subject to Note 1, viz.:</p> <p>Bins or Boxes (bulk commodity shipping containers), metal, empty, minimum weight 4,500 lbs.</p> <p>NOTE 1.--Applies only on Carriers (used packages), secondhand, empty, returning, or when shipped for return paying load. Applies only when return movement is over same line or lines as outbound movement, subject to Item 80.</p>		<table border="1"> <thead> <tr> <th colspan="2">Rating</th> </tr> <tr> <th>LTL</th> <th>TL</th> </tr> </thead> <tbody> <tr> <td></td> <td>85</td> </tr> </tbody> </table>	Rating		LTL	TL		85						
Rating														
LTL	TL													
	85													
<p>6 (E) Expires with April 30, 1972.</p> <p>6 Change, Decision No.</p> <p style="text-align: center;">79409</p>		(E) 340												
EFFECTIVE														
Correction		ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.												