

ORIGINAL

Decision No. 80068

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation }
for the purpose of considering and }
determining revisions in or reissues }
of Exception Ratings Tariff No. 1. }

Case No. 7858
Petition for Modification
No. 132
(Filed February 23, 1972)

INTERIM OPINION

In this petition, Ethyl Corporation seeks the establishment in Exception Ratings Tariff 1 of a truckload exception rating of Class 35.3, subject to a minimum weight of 45,000 pounds and to several restrictive rules, on "Film or Sheeting, Plastic, other than cellulose".^{1/} The currently established truckload rating for plastic film and sheeting is Class 35, minimum weight 36,000 pounds, as set forth in Item 156830 Sub. 1 of National Motor Freight Classification A-12.

Petitioner states that it is engaged in the manufacture and sale of plastic film and sheeting. The petition states that a new movement of plastic film and sheeting from Fremont to Modesto has begun, amounting to five million pounds per year. The petition states that the proposed exception rating will be applicable to said movement, as well as to other movements currently being made within California.

The petition alleges that the proposed exception rating will be reasonable in light of the volume of movement and because of other transportation characteristics, described as follows: Density of the commodity is 33 pounds per cubic foot, and its value is 31 cents per pound; the commodity is not readily susceptible to damage

^{1/} The specific proposal is set forth in Exhibit "A" of the petition.

or theft, and it is not likely to damage other freight; shipments are made on pallets, facilitating handling by the highway carrier and reducing loading and unloading times; split delivery is not involved; and shipments are prepaid. The petition asserts that the proposed rating and minimum weight compare favorably with other commodities subject to similar or less restrictive conditions and the same or lower exception ratings.

The petition states that the proposed exception rating, if granted, will enable plastic film and sheeting to continue to move in for-hire carriage and will forestall consideration of proprietary carriage. It is petitioner's position that the proposed exception rating, when tied to the conditions proposed in connection therewith, will produce reasonable revenues to for-hire carriers and will return a reasonable profit.

The petition was served on known interested parties. The The California Manufacturers Association has advised the Commission that it objects to certain restrictions contained in the proposed tariff item, but not to the proposed truckload rating or minimum weight. By letter dated May 3, 1972, petitioner requests that an interim order be issued in order to prevent the diversion of the traffic in question to private carriage.

Commission staff analysis indicates that the favorable transportation characteristics of plastic film and sheeting are similar to various other commodities currently subject to exception ratings named in the Commission's Exception Ratings Tariff 1. The proposal would result in rates lower than the class rates currently applicable to the transportation involved.

In the circumstances, it appears, and the Commission finds, that pending further review by the Commission following public hearing with respect to certain restrictive provisions contained in the proposed tariff item, the proposed truckload exception rating on plastic film and sheeting is reasonable and that the resulting minimum rates will be just, reasonable and nondiscriminatory minimum rates for the transportation involved. The Commission concludes that an interim order should be issued.

INTERIM ORDER

IT IS ORDERED that:

1. Exception Ratings Tariff 1 (Appendix A to Decision No. 66195, as amended) is hereby further amended by incorporating therein, to become effective June 24, 1972, Thirty-second Revised Page 3 and Original Page 20-B, attached hereto and by this reference made a part hereof.

2. 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.

3. 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.

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 16th
day of MAY, 1972.

[Signature]
Chairman
[Signature]
[Signature]
Vernon L. Stinson
[Signature]
Commissioners

INDEX OF COMMODITIES

COMMODITIES	ITEM	COMMODITIES	ITEM
Acids	1200	Logs, compressed sawdust	600
Articles as described in the Governing Classifi- cation	1030-1050	Machines, viz.: Accounting Card Copying, Duplicating or Reproducing	1850
Blankets	1800	Pads, sanitary	755
Carriers, shipping	270	Paper Articles	1640
Carriers, used packages	320,321,340	*Plastic film or sheeting	490
Cartons, egg, pulp	270	Returned Shipments	820
Cases, egg or egg carrier filler flats, wood pulp	450	Salt, common (Sodium Chloride)	880
Chemicals	1320	*Sheeting, plastic	490
Clay, viz.: (Bentonite)	366	Shipments, returned	820
Cocoa or Cocoa Paste	480	Sod, chopped or not chopped	860
Compounds, tree and weed killing	460	Strontium Nitrate	870
Confectionery	480	Sugar	940
Containers, sheet steel	1855-1857		
Fertilizers	540,560,580		
*Film, plastic	490	Wood, fuel	600
Flowers, fresh, cut	592	Wood, kindling	600
Kernels, corn, roasted	480		

* Addition, Decision No.

80068

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	
<p>Film or Sheeting, plastic, other than cellulose (156830, Sub. 1)</p> <p>Truckload:</p> <p>Minimum Weight 45,000 pounds----- (Subject to Notes 1 through 9)</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 may not be used in combination with any other rates.</p> <p>NOTE 3.--Applies only in connection with prepaid shipments released to one-half of actual value or 50 cents per pound per article, whichever is less. Shipper must enter the following statement on the bill of lading or shipping document 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 cents 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 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 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.--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 minimum weight named herein.</p> <p>NOTE 6.--The provisions of this item will not apply to shipments transported in multiple lots nor to shipments moving in split pickup or split delivery service.</p> <p>NOTE 7.--Accessorial charges applying in connection with services performed at destination after tender of freight for delivery shall be for the account of the consignee and consignee must guarantee payment of such charges, in writing, prior to commencement of such services.</p> <p>NOTE 8.--Applies only in connection with straight shipments of commodities named in this item.</p> <p>NOTE 9.--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>	35.3	490
* Addition) ◊ Reduction) Decision No.		80068
EFFECTIVE		
Correction		ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.