

ORIGINAL

Decision No. 80381

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. 704)
(Filed June 7, 1972)

OPINION AND ORDER

Peter Paul, Inc., is a corporation engaged in the manufacture and distribution of confectionery items. By this petition, it seeks to have established in Minimum Rate Tariff 2 (MRT 2) truckload exception ratings of Classes 35.1, 35.2 and 35.3, minimum weights 36,000, 42,000 and 45,000 pounds, respectively, on certain candy or confectionery items.¹ The currently established truckload ratings on such items are Classes 55 and 35, minimum weights 20,000 and 30,000 pounds, as described in Item 360 of MRT 2.

Petitioner states that its anticipated volume of movement under the proposal will be five million pounds annually. Petitioner declares that the density of the commodities in question is routinely in excess of 20 pounds per cubic foot and that shipments of these confectionery items are not readily susceptible to damage or theft nor prone to damage other freight. Petitioner avers that these shipments will be released to a value

¹ The specific proposal is set forth in Exhibit "A" of the petition.

not exceeding 50 cents per pound; that temperature control will not be required at any time of the year; and that all shipments will move prepaid thus eliminating collection problems.

Petitioner asserts that it has developed an efficient system of loading these confectionery items thus creating economies in carrier operations and minimizing costs. Petitioner alleges that these items can be loaded substantially faster in carrier equipment than other items and recognition is given to this fact by allowing 5 minutes per ton for loading these confectionery items under the proposed rates as contrasted to the allowance of 8 minutes per ton for loading property under the provisions of MRT 2. Petitioner avers that the establishment of the proposed exception ratings would enable this traffic to continue to move in for-hire carriage and would forestall consideration of proprietary carriage.

The verified application shows that copies thereof were mailed to interested parties on or about June 5, 1972. The petition was listed on the Commission's Daily Calendar of June 8, 1972. No objection to the granting of the petition has been received.

Commission staff analysis indicates that the favorable transportation characteristics of the candy and confectionery items described in the petition are similar to various other commodities currently subject to exception ratings named in the Commission minimum rate tariffs. The proposal would 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 candy and confectionery items are reasonable and that 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. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is hereby further amended by incorporating therein to become effective September 23, 1972, Fifty-seventh Revised Page 5, Seventh Revised Page 5-A and Original Page 30-BB 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

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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-four days after the date hereof.

Dated at San Francisco, California, this 15th day of August, 1972.

Vernon L. Sturgeon
President
William J. Synges Jr.
John H. Synges Jr.
John H. Synges Jr.
Commissioners

Commissioner D. W. Holmes, 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	* 318-1,360	Cocoanut, 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
Cans	772	Coffee Substitutes	360
Carriers (used packages), malt or cereal beverage	331	Coloring, Confectioners'	360
Carriers (used packages)	330.6, 331	Compound, cleaning (M)	377.5,723-726
Carts, Freight	331	Compound, electrical insulating (M)	377.5,723-726
Catsup	320-1	Compound, metal cutting, drawing or drilling (M)	377.5,723-726
Cement, pipe fitting (M)	377.5,723-726	Compound, paint thinning (M)	377.5,723-726
Cereal and Nuts combined	360	Compound, pneumatic tire mounting (M)	377.5,723-726
Cereal Food Preparations (M)	360	Compound, radiator cleaning (M)	377.5,723-726
Cheese	335.5	Compound, rust preventing or removing (M)	377.5,723-726
Cheese Foods	335.5	Compound, type cleaning (M)	377.5,723-726
Chili, ground	320	Compound, waterproofing (M)	377.5,723-726
Chips, Wood	635-636	Compounds, ammonia	730-732
Chloride of Lime Bleach	730-732	Compounds, antifreeze (M)	377.5,723-726
Chocolate	* 318-1,360	Compounds, buffing or polishing	730-732
Chocolate Coating	* 318-1,360	Compounds, Cleaning, Scouring or Washing	730-732
Chowders	320	Compounds, carbon, gum or sludge removing (M)	377.5,723-726
Citrus Fruit Juice Powders or Crystals	360		
Clay, Fire (M)	365		
Coating, candy, other than chocolate	360		
Coating, Chocolate	* 318-1,360		

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

* Addition, Decision No.

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EFFECTIVE

Correction

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

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
Compounds, Flavoring	360	Diglycerides of Fat-forming	
Compounds, floor hardening (M)	377.5, 723-726	Acids	335.5
Compounds, Food Curing, Pre-		Disinfectants	730-732
serving or Seasoning	360	Dough, prepared	336
Compounds, Lard	335.5	Drain Pipe Solvent	730-732
Compounds, Lubricating and		Dressing, Automobile Top (M)	377.5, 723-726
cleaning	730-732	Dressing, rubber (M)	377.5, 723-726
Compounds, Mud Treating	365	Dressing, Salad	320-1
Compounds or Mud, well drill-		Dressing, shoe (M)	377.5, 723-726
ing	365	Drink, fruit	320
Compounds, water softening or		Dry Milk Solids	345
purifying	730-732		
Concrete products and related			
articles	334.8	Egg Yolk	320
Confectionery	* 318.1, 360	Eggs, Shelled	360
Containers, aluminum bulk		Engines (M)	365
shipping	330	Ether (M)	377.5, 723-726
Containers (used packages)	330.6-331	Exterminators, vermin (M)	377.5, 723-726
Containers (used packages),		Extracts	360
malt or cereal beverage	331	Extracts, coffee or tea	
Corn	320-1	(condensed or instant), dry	360
Cream, Pasteurized	345		
Cream, Sterilized	345		
Cream Substitutes	345		
Cribbing	334.8	Farina	652-654½
Cross Arms, wooden	690, 710	Feed as described under the	
Crystals, Citrus Fruit Juice	360	heading of "Feed Group" in	
Cylinders, Well Pump	365	the Governing Classifica-	
Dairy Products and Related		tion, not frozen	652-654½
Articles (M)	335.6	Feed, Animal	338, 620, 630
Deodorants	730-732	Feed, Animal or Poultry	652-654½
Dessert Preparations	360		

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SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM						
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)	Class Rating						
<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>CANDY OR CONFECTIONERY, other than hollow molded, viz.:</p> <p>Candy or Confectionery, NOI; Chocolate Candy or Confectionery, NOI; or Milk Chocolate Candy or Confectionery, NOI (39970). Subject to Note 1 Chocolate (39990) Coating, chocolate (40015)</p> <p>Truckload (Subject to Notes 2 through 10):</p> <table border="0"> <tr> <td>Minimum Weight 36,000 pounds.....</td> <td>35.1</td> </tr> <tr> <td>Minimum Weight 42,000 pounds.....</td> <td>35.2</td> </tr> <tr> <td>Minimum Weight 45,000 pounds.....</td> <td>35.3</td> </tr> </table> <p>NOTE 1.--The notes in Items 39976 and 39978 of the Governing Classification do not apply in connection with shipments transported under provisions of this item.</p> <p>NOTE 2.--Applies only when all provisions of the following notes are met. Otherwise provisions of this tariff or the Governing Classification shall apply.</p> <p>NOTE 3.--Applies only in connection with straight or mixed shipments of commodities named in this item.</p> <p>NOTE 4.--Applies only in connection with shipments having a density of 20 pounds or greater per cubic foot. (NOTE-Cubic displacement will be determined by multiplying the lineal feet utilized in carrier's equipment by height by width thereof. This result will be divided into the total weight loaded to determine density per cubic foot.)</p> <p>NOTE 5.--Will not apply when temperature control service is provided.</p> <p>NOTE 6.--Rates resulting from application of the provisions of this item may not be used in combination with any other rates.</p> <p>NOTE 7.--An allowance of 5 minutes per ton (based on the weight on which transportation charges are computed) will be provided for loading. Time shall be computed from the time of arrival of carrier's equipment at place of loading until loading is completed and equipment is released. Excess loading time shall be charged for at the rates provided in Item 145 herein.</p> <p>NOTE 8.--When the entire shipment cannot be loaded on a single unit of carrier's equipment, the initial lot transported on one unit of equipment at one time is subject to a minimum weight of 45,000 pounds and the actual weight of the remaining or following lot or lots shall be charged for at the 35.1 rate applicable herein.</p> <p>NOTE 9.--Applies only in connection with prepaid shipments released to a value of 50 cents per pound, per article. Shipper must enter the following statement on the bill of lading:</p> <p style="padding-left: 40px;">"The agreed or declared value of the property is hereby stated by the shipper to be 50¢ per pound, per article."</p> <p>If the shipper declines or fails to declare such value in writing, the provisions of this item will not apply.</p> <p>NOTE 10.--The provisions of this item will not apply in connection with split pickup shipments.</p>	Minimum Weight 36,000 pounds.....	35.1	Minimum Weight 42,000 pounds.....	35.2	Minimum Weight 45,000 pounds.....	35.3	<p>* 6 318-1</p>
Minimum Weight 36,000 pounds.....	35.1						
Minimum Weight 42,000 pounds.....	35.2						
Minimum Weight 45,000 pounds.....	35.3						
<p>* Addition) 6 Reduction) Decision No. 80381</p>							
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<p>Correction</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>							