

Decision No. 80383

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CHEMICAL & PIGMENT CO. )  
to include agricultural-grade zinc )  
sulphate in Item 580 of Exception )  
Ratings Tariff 1 to the Commission's )  
Minimum Rate Tariffs. )

Application No. 53478  
(Filed July 24, 1972)

In the Matter of the Investigation for )  
the purpose of considering and deter- )  
mining revisions in or reissues of )  
Exception Ratings Tariff No. 1 )

Case No. 7858

INTERIM OPINION AND ORDER

Items 540, 560 and 580 of Exception Ratings Tariff 1 (ERT 1) list by name the fertilizers and fertilizing compounds which the Commission has exempted from the established minimum rates. By this application Chemical & Pigment Co., a corporation, seeks to include agricultural-grade zinc sulphate in the list of fertilizers in Item 580 of ERT 1.

Applicant states that it manufactures, processes and markets zinc sulphate which is used in pharmaceuticals, electro-chemical plating, ingredients for paint and the treatment of drinking-water.

Applicant avers that, for approximately ten years, it has also manufactured, processed and marketed a fertilizer known as "Meteor Brand Zinc Sulphate Monohydrate" and that the purity and refinement level of this commodity is such that it is fit only for use as an agricultural fertilizer. Applicant declares that it ships this fertilizer dry, in fifty-pound multi-walled paperbags and as an aqueous solution in tank vehicles to wholesale agricultural suppliers throughout the state.

Applicant contends that zinc sulphate has been recognized as a fertilizer beneficial to plant and tree life and that it has been shipping "agricultural-grade zinc sulphate fertilizer" by motor carriers in California intrastate commerce as an "exempt" commodity under the application of the Commission's minimum rates.

Applicant alleges that it has recently been brought to its attention that there may be some question as to whether agricultural-grade zinc sulphate is exempt from the minimum rates since (1) zinc sulphate is shown under the "Chemical Group" in the National Motor Freight Classification and (2) it is not specifically named in the aforementioned ERT 1 fertilizer list.

Applicant asserts that the commodity involved herein represents a very small amount of tonnage in the overall shipment of fertilizers as approximately 2,000 tons are shipped annually in California intrastate commerce compared to 1,970,830 tons of other types of agricultural fertilizers. Applicant avers that the shipping characteristics of the fertilizer in question are very similar to the commodities presently exempt from the established minimum rates and that the less refined and less pure agricultural-grade zinc sulphate, which can only be utilized for fertilizing purposes, should be classified differently than the chemically-pure zinc sulphate. Applicant declares that the principal movement of this commodity occurs during September and October and requests that interim relief in this matter be granted in the event that the uncertainty herein involved cannot be resolved through normal procedure by September 1, 1972.

The verified application shows that copy thereof was mailed to the California Trucking Association on or about July 24, 1972. The application was listed on the Commission's Daily Calendar of July 26, 1972. By letter dated July 27, 1972, California Trucking Association informed the Commission that it protests the exemption sought herein and requests that this application be set for public hearing.

The Transportation Division staff has reviewed the application and recommends that, in view of applicant's urgent need for the sought rate relief, it be granted by ex parte order on an interim basis pending decision on evidence to be adduced at a public hearing.

Subject to further review upon consideration of evidence which may be adduced at a public hearing, it appears, and the Commission finds, that the proposal is reasonable. In view of the existing conditions, the Commission concludes that the sought authority should be granted for a six month period. A future hearing will be scheduled in these proceedings.

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 September 1, 1972, Ninth Revised Page 22 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 first day after the effective date of this order, and may be made effective on not less than one day's 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 the order.

3. Common carriers, in establishing and maintaining the amendment 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 amendment published


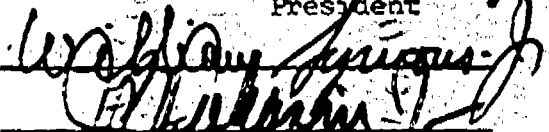

under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

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

5. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this matter and final disposition thereof.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of August, 1972.

  
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President  
  
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\_\_\_\_\_  
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

EXCEPTION RATINGS TARIFF 1

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	
Fertilizers, viz.: Ammonia, sulphate of, in packages or in bulk, Ammonium Sulphate Nitrate (Leunassalpeter), in bags or in bulk, Calcium Nitrate Urea (Calurea), Calcium Carbonate Ammonium Nitrate (Calnitro), Cyanamid, Lime (Calcium), nitrate of, in packages or in bulk, Phosphate of Ammonia, Pomace, olive, in packages or in bulk, Potash, muriate of, in packages or in bulk, Potash, nitrate of, Potash, sulphate of, in packages or in bulk, Pulp, olive, in packages or in bulk, Sodium (Soda), nitrate of, or Chili Saltpetre in packages, or in bulk, Soda Potash, nitrate of, in packages or in bulk, (E)*Sulphate, zinc, agricultural-grade, Urea.			580
Flowers, fresh, cut.	100		592
Fuel wood (112580), in bundles wrapped in fibreboard, see Note 1 Kindling, fire, wood (112740), in packages, see Note 1 Logs, compressed sawdust, wax impregnated, paper wrapped, in fibreboard cartons, see Note 1 Minimum Weight 45,000 pounds, subject to Note 2----- NOTE 1.--An allowance of 24 hours free time for loading shall be made for each unit of equipment used. Excess loading time shall be computed at the rates named in the applicable rate tariff. Time shall be computed from time of arrival of carrier's equipment at loading point until loading is completed and equipment is released. NOTE 2.--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 highest minimum weight applicable to any rate used in computing charges.		35.3	600
(E) Expires March 1, 1973. * Addition ) o Reduction ) Decision No. <b>80383</b>			
EFFECTIVE			
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		