

ORIGINAL

Decision No. 80649

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. 702)  
(Filed May 19, 1972)

OPINION AND ORDER

Masonite Corporation is engaged in the manufacture and distribution of lumber and related forest products. By this petition, it seeks to have established in Minimum Rate Tariff 2 (MRT 2) truckload commodity rates subject to minimum weights of 40,000 and 50,000 pounds on certain hardboard products.<sup>1</sup>

Petitioner states that the proposed commodity rates for the transportation of hardboard products are necessary to preserve competitive relationships, marketing and shipping practices heretofore developed for other related lumber products for which commodity rates are currently applicable within California. Petitioner declares that there exists today in MRT 2 no commodity

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<sup>1</sup>The specific proposal is set forth in the petition. Hardboard is a generic term for a panel manufactured primarily from inter-felted lignocellulosic fibers, consolidated under heat and pressure in a hot-press to a density of 31 pounds per cubic foot or greater. The term includes a family of panel materials manufactured for use industrially as components of furniture, cabinets and the like, and in building construction as siding, sheathing, partitions, door cores and facing, acoustical treatments, finished paneling and as structural components.

rates on hardboard products and hence the higher class rates currently apply on these commodities. Petitioner avers that the commodities involved are loaded and unloaded by economical mechanical means on flat-bed truck equipment and compete in the market place for similar uses with plywood and other lumber products. Petitioner alleges that its hardboard products have a favorable density factor, ranging between 35 and 85 pounds per cubic foot, compared to 25 to 60 pounds for particle board which is currently subject to the same commodity rate level sought herein. Petitioner points out that the large steady daily volume of movement lends itself to diversion to proprietary trucking and that annual shipments average between 1900 and 2000 truckloads with truckload weights generally in excess of 48,000 pounds.

The verified petition shows that copies thereof were mailed to interested parties on or about May 19, 1972. The petition was listed on the Commission's Daily Calendar of May 23, 1972. No objection to the granting of the petition has been received.

Commission staff analysis indicates that the favorable transportation characteristics of hardboard products as described in the petition are similar to various other commodities currently subject to commodity rates named in the Commission's MRT 2. 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, the Commission finds that the proposed truckload commodity rates on hardboard products are reasonable and nondiscriminatory minimum rates for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

A minor change not related to the subject matter of the petition will be made in one of the tariff pages herein being revised.<sup>2</sup>

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 December 2, 1972, Twelfth Revised Page 51-C and Second Revised Page 51-II 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 rates 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

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<sup>2</sup>Item 731 of Minimum Rate Tariff 2 will be amended to make reference to Item 508 in lieu of Item 507 for application of the Class 35.2 rates for the mileages involved.

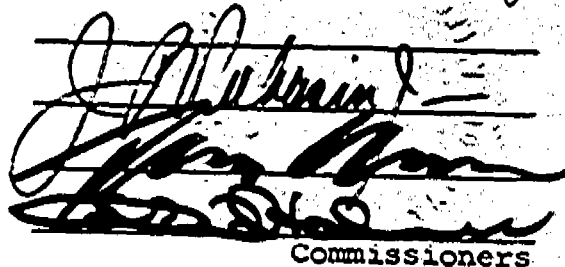
maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures 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 days after the date hereof.

Dated at San Francisco, California, this 25<sup>th</sup> day of October, 1972.

  
President

  
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 3--COMMODITY RATES (Continued)	ITEM
<p align="center"><b>WEIGHMASTER'S CERTIFICATE</b></p> <p align="center">(Applies in connection with rates making specific reference hereto.)</p> <p>(a) The actual gross weight of the shipment shall be confirmed by a public weighmaster's certificate, which shall be obtained by the carrier prior to or at the time of unloading (See Exception).</p> <p>(b) Charges shall be based on the weight of the commodities as confirmed by the public weighmaster's certificate. The original and duplicate copy of the public weighmaster's certificate shall be affixed to the shipper's and carrier's copy of the freight bill respectively (See Exception).</p> <p><b>EXCEPTION.</b>—Such certificate shall not be required when the distance from point of origin to point of destination, computed in accordance with the method provided in the Distance Table, does not exceed 50 constructive miles.</p>	682
<p align="center">(Applies in connection with rates making specific reference hereto.)</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><b>LUMBER AND FOREST PRODUCTS</b>, treated or untreated, not finished beyond sanding and priming, viz.: (See Notes 1 and 2)</p> <p><b>LIST A:</b></p> <ul style="list-style-type: none"> <li>Cross Arms, wooden (160110)</li> <li>Lath, wooden (112760)</li> <li>Piling, wooden (112960)</li> <li>Poles, wooden, NOI (113060)</li> <li>Posts, NOI, wooden (113100)</li> <li>Shingles, wooden (113280 and 113300)</li> <li>Boxes or Crates, wooden, or wood and wire combined, NOI, KD or folded flat or in flat sections (29800, sub 3, and 29810, Sub 3)</li> <li>Box or Crate Material, wooden or wood and wire combined, folded flat or in flat sections (29800, Sub 3, and 29810, Sub 3)</li> </ul> <p><b>LIST B:</b></p> <ul style="list-style-type: none"> <li>Boards or Sheets, sawdust or ground wood (112320)* including Wood Fibreboard Hardboard (193780), subject to Note 3.</li> <li>Plywood (113620 and 113625)</li> <li>Veneer (112870, 112880, 112890 and 113520)</li> </ul> <p><b>LIST C:</b></p> <ul style="list-style-type: none"> <li>Lumber (112870, 112880 and 112890)</li> <li>Ties, Railroad, wooden (113450)</li> <li>Timbers, wooden (112940)</li> </ul> <p><b>NOTE 1.</b>—With shipments of commodities listed above, there may be included, at the rates provided herein, in quantities not to exceed 10% of the weight of the entire shipment, articles listed under the headings: "Lumber Group" and "Building Woodwork Group" in the Governing Classification.</p> <p><b>NOTE 2.</b>—Length not to exceed 24 feet, except piling and poles which shall not exceed 50 feet in length.</p> <p><b>NOTE 3.</b>—Rates apply on Wood Fibreboard Hardboard only when released to a value of 20 cents per pound per article. Shipper must enter the following statement on the bill of lading or shipping document:</p> <p align="center">"The agreed or declared value of the Wood Fibreboard Hardboard is hereby specifically stated by the shipper to be 20 cents per pound per article."</p> <p>If shipper fails or declines to declare such value in writing, other provisions of this tariff will apply.</p>	685
<p>Change * Addition o Reduction</p>	Decision No. <b>80649</b>
<b>EFFECTIVE</b>	
<p align="center">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction

SECTION 3--COMMODITY RATES (Continued) In Cents Per 100 Pounds			ITEM
(Items 730, 731 and 732)			Δ731
SOAP AND RELATED ARTICLES, as described in and subject to the provisions of Item 732. (The provisions of this item apply only in connection with split pickup or split delivery shipments.)			
BETWEEN		AND	
SAN FRANCISCO TERRITORY, as described in Item 270-3 SACRAMENTO NORTH SACRAMENTO STOCKTON		LOS ANGELES BASIN TERRITORY, as described in Item 270	
MILES Over But Not Over		RATES (1) Minimum Weight 45,000 Pounds (2)	
400 425 425 450 450 475 475 500 500 525 525 550 550 575 575 600		Apply Class 35.2 rate in Item 508 for the total Constructive Mileage applicable.	
Over 600-----rates in this item do not apply-----			
(1) The rates provided in this item are subject to the provisions of Items 900 and 900-1. (2) Subject to the following: (a) When a shipment is transported on one unit of equipment at one time it is subject to a minimum weight of 45,000 pounds. (b) When a shipment is transported in multiple lots subject to Item 85, 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 rated at the rate provided in this item.			
Δ Change, neither increase nor reduction, Decision No.			80649
EFFECTIVE			
Correction		ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	