

Decision No. 80846

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 common carriers, highway)
carriers and city carriers relat-)
ing 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. 714)
(Filed August 24, 1972)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, California Trucking Association (CTA) seeks to have MRT 2 amended by restricting the packing requirements governing the rates named therein for the transportation of animal or poultry feed so that such rates will not apply when these commodities are shipped in hermetically sealed inner containers; metal cans in outer containers, bundles or crates; or inner containers of earthenware, glass or molded plastic.

Petitioner states that the commodity descriptions on grain, grain products and related articles (grain) were revised by Decisions Nos. 75426 and 75427 pursuant to its request. Petitioner alleges that these amendments generally achieved a large measure of uniformity in the grain descriptions in Minimum Rate Tariffs 2 (grain in packages) and 14-A (grain in bulk) but that an inadvertency in the grain descriptions in the former tariff was created as a result of such revisions. Petitioner avers that the amended commodity descriptions on animal or poultry feed permit the application of the grain rates to such commodities when transported in

containers not contemplated at the time the aforementioned revisions were made nor intended when the rates for animal or poultry feed were established in Minimum Rate Tariff 2. Petitioner contends that its proposal would restore the historical intent and application of the rates in question.

Copies of the petition were mailed to interested parties on August 23, 1972. The petition was listed on the Commission's Daily Calendar of August 25, 1972. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that the proposed revision of the packing requirements governing the commodity rates for the transportation of animal or poultry feed is reasonable and the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved and, to the extent that said rates and charges may result in increases, such increases are justified. Pursuant to the provisions of Rule 23.1 of the Commission's Rules of Procedure, the Commission further finds that the total amount of said increases is unknown and is impossible to determine; the increases should not increase any carrier's gross revenue by as much as one percent; the increases will have little, if any, effect upon any carrier's operating ratio and/or rate of return and will not reflect future inflationary expectations; and there is no evidence that any carrier is willing and capable of providing the service at the existing rates. 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 further amended by incorporating therein, to become effective January 27, 1973, Thirteenth Revised Page 49-A 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, and currently maintain in their tariffs the provisions involved herein, are hereby directed to establish in said tariffs the amendments necessary to conform with the further adjustments ordered herein.

3. 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 such tariff publications shall be made effective not later than January 27, 1973; 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 page incorporated in this order.

4. Common carriers, in establishing and maintaining the amendments 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 amendments 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.

This order shall become effective twenty-four days after the date hereof.

Dated at San Francisco, California, this 19th day of December, 1972.

Vernon L. Sturgeon
President

William J. Lyons, Jr.
Commissioner

John P. ...
Commissioner

Edward ...
Commissioners

SECTION 3--COMMODITY RATES (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.)	
<p>(Applies in connection with rates making specific reference hereto.)</p> <p>LIST 3--FEED. ANIMAL OR POULTRY</p> <p>Feed, as described in Items 66700 through 67480 and 67520 through 67842 ("Feed Group") of the Governing Classification, not frozen, subject to Notes 2 and 3</p> <p>Alfalfa, chopped and pressed into cubes or pellets, air-dry or otherwise dried</p> <p>Feed, animal or poultry, consisting entirely of Grain or Grain Products named in List 1 or 2 of Item 652, when not fit for human consumption, subject to Notes 2 and 3</p> <p>Crit. processed from rock or shell</p> <p>Hulls, cottonseed (54410, 54430)</p> <p>Hulls, sunflower seed (179980)</p> <p>Hulls, NOI, whole or ground</p> <p>Hulls or Shells, cocoa bean, ground or not ground, in packages or in bulk</p> <p>Limestone, crushed or ground, feed grade</p> <p>Meal, feather</p> <p>Mineral Mixtures (see Note 1)</p> <p>Nut hulls or shells, NOI (175460)</p> <p>Pomace (194220, 194240, 194540, 194620, 194880, and 194900)</p> <p>Pomace, NOI</p> <p>(1) Shell Marl, crushed, ground, or powdered</p> <p>Urea (47220)</p> <p>NOTE 1.--Includes Mineral Mixtures containing Calcium Carbonate, Copperas, Epsom Salts, Crude Salt (feed grade), Sulphate of Soda, Glauber's Salts, Sulphur or Potassium Iodide, with or without not in excess of 10% by weight of other unnamed ingredients.</p> <p>*NOTE 2.--Does not apply in connection with commodities in hermetically sealed inner containers; metal cans in outer containers, bundles or crates; or inner containers of earthenware, glass or molded plastic.</p> <p>NOTE 3.--Does not include cooked or baked cakes, biscuits or bread.</p> <p>(1) Unless otherwise exempt under the provisions of Items 41 and 42.</p>	64524
<p>* Change)</p> <p>o Increase) Decision No. 80846</p> <p>* Addition)</p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.