

ORIGINAL

Decision No. 80973

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

And Related Matters

Cases Nos. 5330, 5433, 5436,
5437, 5438, 5439, 5440, 5441,
5603, 5604, 6008, 7857 and 8808

SUPPLEMENTAL OPINION AND ORDER

On September 7, 1967, and September 24, 1968, the United States District Court for the Northern District of California permanently restrained and enjoined this Commission from enforcing minimum rates for transportation services in interstate or foreign commerce. As a result thereof, Decision No. 74565 and 74993 dated August 20 and November 26, 1968, in Case No. 5432, et al., and related companion orders amended Minimum Rate Tariffs 1-B, 2, 3-A, 4-B, 6-A, 7, 8, 9-B, 10, 11-A, 12, 13, 14-A, 17, 18 and 19 to indicate that the minimum rates in said tariffs do not apply to the interstate transportation of property which is exempt from regulation of the Interstate Commerce Commission under Sections 203(b)(6) and 203(b)(8) of the Interstate Commerce Act.

These tariff amendments were issued solely for the purpose of widely disseminating the information regarding the court's action with respect to the involved interstate transportation. Since this information has been maintained in the Commission's minimum rate tariffs for four years, it would appear that the transportation public is aware of the facts governing such interstate transportation and that publication of such information in the minimum rate tariffs is no longer necessary.

In the circumstances, the Commission finds that these informational tariff amendments have served their purpose and should now be canceled. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariffs 1-B, 2, 8, 9-B, 10 and 19 should be amended by the order herein. In order to provide economical tariff distribution, the other tariffs should be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariffs 1-B, 2, 8, 9-B, 10 and 19 (Appendices B, D, C, A, A and A of Decisions Nos. 65834, 31606, 33977, 67766, 44633 and 41363, respectively, as amended, are further amended by incorporating:

Eleventh Revised Page 14 in Minimum Rate Tariff 1-B;
Fifty-eighth Revised Page 15 in Minimum Rate Tariff 2;
Tenth Revised Page 7 in Minimum Rate Tariff 8;
Eleventh Revised Page 17 in Minimum Rate Tariff 9-B;
Twentieth Revised Page 5 in Minimum Rate Tariff 10; and
Tenth Revised Page 15-A in Minimum Rate Tariff 19

to become effective February 17, 1973. These revised pages are attached hereto and by this reference made a part hereof.

2. In all other respects, Decisions Nos. 65834, 31606, 33977, 67766, 44633 and 41363, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this *23rd* day of January, 1973.

Vernon L. Stenger

President
J. B. Roberts

John J. [unclear]

William Symons, Jr.

Commissioners

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

| SECTION 1--RULES (Continued) | ITEM |
|--|-----------|
| <p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Concluded) (Items 30 and 31)</p> <p>Rates named in this tariff apply for the transportation of all commodities except the following:</p> <p>Liquids, compressed gases, commodities in semi plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi trailers, or a combination of such highway vehicles. *The terms "tank trucks, tank trailers and tank semi trailers" include any truck, trailer or semi trailer with carrier or shipper provided collapsible tanks or bags 20 feet or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity. (Subject to Note)</p> <p>Motor vehicles when towed by a tow car.</p> <p>Mushrooms, fresh (not cold pack nor frozen).</p> <p>Nuts, in the shell.</p> <p>Nuts, field shelled (rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed).</p> <p>Pickup and delivery of shipments for common carriers, transported from or to points outside the area named herein under through pickup and delivery rates.</p> <p>Poultry, live.</p> <p>Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>Property shipped to or from producers of motion pictures or television shows when transported subject to the rates and rules provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended.</p> <p>Property transported by special messenger service.</p> <p>**</p> <p>Telephone directories, new, distributed to subscribers, and old, picked up from subscribers.</p> <p>Trailer coaches and campers set up, (including contents and furniture and other personal effects for use outside of trailer coaches) for which rates are provided in Minimum Rate Tariff 18.</p> <p>Unloading and distribution of freight forwarders' cars originating at points outside the State.</p> <p>Used Property, viz.: Household goods, office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff 4-B, amendments thereto or reissues thereof, and used property as described therein of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services.</p> <p>Voting booths, ballot boxes, election tents and election supplies, when transported from or to polling places.</p> <p>NOTE.—The portion of this exemption preceded by * expires upon further order of the Commission.</p> | <p>31</p> |
| <p>Change) ** Eliminated) Decision No. 80973</p> | |
| EFFECTIVE | |
| <p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p> | |

MINIMUM RATE TARIFF 2

| SECTION 1--RULES OF GENERAL APPLICATION (Continued) | ITEM |
|--|-----------|
| <p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 40, 41 and 42)</p> <p>Rates in this tariff apply for the transportation of all commodities except as follows:</p> <p>Furniture, household appliances and other home furnishings which have been sold at retail by a retail merchant, transported from retail stores or retail store warehouses, or transported from retail customers to retail stores or retail store warehouses (Subject to Note 3).</p> <p>Furniture, uncrated, new, as described in and for which rates are provided in Minimum Rate Tariff 11-A, and furniture, uncrated, new, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services.</p> <p>Hops.</p> <p>Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses.</p> <p>Hulls, almond, including shells and other waste from the hulling and shelling of almonds, not processed for use as animal or poultry feed.</p> <p>Ice Cream Mix, unflavored.</p> <p>Insecticides, agricultural.</p> <p>Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less.</p> <p>Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. *The terms "tank trucks, tank trailers and tank semi-trailers" include any truck, trailer or semi-trailer with carrier or shipper provided collapsible tanks or bags 20 feet or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity (Subject to Note 15).</p> <p>Livestock.</p> <p>Logs (wood).</p> <p>Milk, liquid (Subject to Note 2).</p> <p>Mushrooms, fresh (not cold pack nor frozen).</p> <p>Newspapers, newspaper supplements, sections or inserts (not scrap or waste).</p> <p>Nuts, in the shell.</p> <p>Nuts, field shelled (rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed).</p> <p>Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less.</p> <p>Pits, fruit.</p> <p>Pot Cheese.</p> <p>Poultry, live.</p> <p>Pozzolan in bulk, when loaded and unloaded pneumatically and when the loads are compacted pneumatically in the loading process and when transported in shipments of 47,500 pounds or more (or when transported in shipments of lesser weights) subject to the rates and miles, including the minimum charge computed on a minimum weight of 47,500 pounds, which are set forth in Minimum Rate Tariff 10 (Subject to Note 16).</p> <p>Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>Property shipped to or from producers of motion pictures or television shows when transported subject to the rates, rules and regulations provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended.</p> <p>Property transported to a United States Post Office for mailing and United States mail transported from a post office to the addresses thereof (Subject to Note 11).</p> <p>**</p> <p>Sea shells, crushed, ground, powdered or disintegrated (Subject to Note 5).</p> <p>Seeds, as described under that heading in the Governing Classification, when shipped from point of growth to an accumulation station or point of initial processing, or from an accumulation station to point of initial processing; in bulk, or in containers with a capacity exceeding 40 cubic feet, or in packages weighing 50 pounds or more.</p> <p>Shell Marl, crushed, ground or powdered (Subject to Note 5).</p> <p>Shells, walnut.</p> <p>Shipments weighing 100 pounds or less when delivered from retail stores or retail warehouses where the property has been sold at retail by a retail merchant, or when returned to the original retail store shipper via the carrier which handled the outbound movement (Subject to Note 3).</p> <p style="text-align: center;">(Continued in Item 42)</p> | <p>41</p> |
| <p>(1) Fifty-Seventh Revised Page 15 was suspended by Supplement 99.</p> <p>6 Change) ** Eliminated) Decision No.</p> <p style="text-align: center; font-size: 1.5em;">80973</p> | |
| EFFECTIVE | |
| ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA | |
| Correction | |

| SECTION 1--RULES OF GENERAL APPLICATION (Continued) | ITEM |
|--|------|
| <p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Items 40 and 41)</p> <p>Rates in this tariff apply to transportation of the following commodities (See Exception): Fruits, fresh or green, in their natural form, including dates, fresh (not cold pack nor frozen), subject to Note 2(h); Mushrooms, fresh (not cold pack nor frozen); Nuts, in the shell; Nuts, field shelled, subject to Note 2(g); Vegetables, fresh or green, in their natural form, including mushrooms, fresh (not cold pack nor frozen), subject to Note 2(h); Containers, empty, second-hand, returning from an outbound paying load, of commodities for which rates are provided herein or forwarded for a return paying load, of commodities for which rates are provided in this tariff, subject to Note 1; Containers, empty, for which rates are provided in Section 4 of this tariff; and Trailers, shipper-owned or railroad-owned, for which rates are provided in Item 309 of this tariff.</p> <p>NOTE 1.--Highway carriers must determine before accepting shipment that said containers were moved filled and are being returned by the same carrier or carriers to consignor of the filled containers; or that containers shipped for return paying load will, when filled, move by the same carrier or carriers to the consignor of the original empty containers.</p> <p>EXCEPTION.--Rates in this tariff do not apply to transportation of:</p> <ul style="list-style-type: none"> (a) Fresh or green fruits, nuts (in the shell or field shelled), fresh or green vegetables, or mushrooms, as described herein, when the point of destination of the shipment is a cannery, accumulation station, precooling plant, or winery; nor to the empty containers used or shipped out for use in connection with such transportation, subject to Note 2. (aa) Fresh or green fruits, fresh or green vegetables, or mushrooms, as described herein, moving to a cold storage plant to be held for interim storage for a subsequent movement to a cannery, subject to Notes 2 and 4. (b) Fresh or green fruits, nuts (in the shell or field shelled), fresh or green vegetables, or mushrooms, as described herein, when transported from the field or point of growth to a packing plant, cold storage plant, or a packing shed, nor when transported between packing sheds, subject to Notes 2, 3 and 5. (c) Empty containers used or shipped out for use in connection with transportation described in paragraph (b) above, subject to Notes 2 and 3. (d) Sugar beets when the point of destination of the shipment is a beet sugar factory or a railroad loading dump. (e) Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services. ** (g) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency. <p style="text-align: center;">(Continued in Item 41)</p> | 640 |
| <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div> <p>Change) Eliminated)</p> </div> <div> <p>Decision No.</p> <p style="font-size: 1.5em; font-weight: bold;">80973</p> </div> </div> | |
| EFFECTIVE | |
| <div style="display: flex; justify-content: space-between;"> <div>Correction</div> <div>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</div> </div> | |

| SECTION 1--RULES (Continued) | ITEM |
|---|-----------|
| <p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Concluded) (Items 50 and 51)</p> <p>Rates in this tariff apply for the transportation of all commodities except the following:</p> <p>Furniture, household appliances and other home furnishings transported from retail stores or retail store warehouses where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores, or retail store warehouses.</p> <p>Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses.</p> <p>Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. *The terms "tank trucks, tank trailers and tank semi-trailers" include any truck, trailer or semi-trailer with carrier or shipper provided collapsible tanks or bags, 20 feet or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity (Subject to Note).</p> <p>Mushrooms, fresh (not cold pack nor frozen).</p> <p>Newspapers, newspaper supplements, sections or inserts (not scrap nor waste).</p> <p>Nuts, in the shell.</p> <p>Nuts, field shelled (rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed).</p> <p>Optical goods, as described in Items 41600, 41610, 57820, 57940, 58090, 58110 and 58320 of the Governing Classification, and prescription order forms, transported from or to wholesale houses in packages weighing 10 pounds or less when transported in vehicles not exceeding a licensed weight of 4,000 pounds.</p> <p>Poultry, live.</p> <p>Property shipped to or from producers of motion pictures or television shows when transported subject to the rates, rules and regulations provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended.</p> <p>Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>Property transported to a United States Post Office for mailing, United States mail transported from a post office to the addressee thereof, and United States mail transported for the Post Office Department under contract.</p> <p>**</p> <p>Trailer coaches and campers set up, (including contents and furniture and other personal effects for use outside of trailer coaches) for which rates are provided in Minimum Rate Tariff 18.</p> <p>Used property, viz.: household goods, personal effects, furniture, musical instruments, radios, television sets, and office and store fixtures and equipment as described in and for which rates are provided in Minimum Rate Tariff 4-B, and used property as described therein of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services.</p> <p>Vegetables, fresh or green (not cold pack nor frozen).</p> <p>Vehicles, disabled, when transported by towing.</p> <p>Voting booths, ballot boxes, election tents, and election supplies when transported from or to polling places.</p> <p>NOTE.--The portion of this exemption preceded by * expires upon further order of the Commission.</p> | <p>51</p> |
| <p>* Change) ** Eliminated) Decision No. 80973</p> | |
| EFFECTIVE | |
| <p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p> <p>Correction</p> | |

| SECTION 1--RULES (Continued) | ITEM |
|---|------|
| <p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates provided in this tariff apply for the transportation of shipments from point of origin to point of destination, and include the services of the driver only for loading into and unloading from carrier's motor vehicle. (See Note)</p> <p>NOTE.--Rates do not apply to the transportation of:</p> <p>(a) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>**</p> <p>(c) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</p> | 20 |
| <p style="text-align: center;">APPLICATION OF TARIFF--CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act. They apply for the transportation of property by radial highway common carriers, highway contract carriers and cement contract carriers, as defined in said Highway Carriers' Act.</p> <p>When property in continuous through movement is transported by two or more such carriers, the rates (including minimum charges) provided herein shall be the minimum rates for the combined transportation.</p> | 30 |
| <p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES</p> <p>Rates in this tariff apply for the transportation of Cement, hydraulic, masonry, natural or Portland, in bulk or in packages. (Subject to Item 65)</p> <p>Rates in this tariff also apply to the following commodities when shipped in mixed shipments with not less than fifty percent (50%), by weight, of cement in packages:</p> <p>Lime, common, including magnesium lime, hydrated or hydraulic, quick or slaked, in packages; Cement flue dust, in packages; and/or Limestone, powdered, in packages.</p> <p>Except as otherwise provided in Item 220, rates in this tariff do not apply to shipments of empty pallets.</p> | 40 |
| <p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Subject to the exceptions provided in Items 55, 56 and 58, distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route computed in accordance with the method provided in the Distance Table.</p> | 50 |
| <p>Change) ** Eliminated) Decision No. 80973</p> | |
| EFFECTIVE | |
| <p>Correction</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> | |

| SECTION 1--RULES OF GENERAL APPLICATION (Continued) | ITEM |
|---|--------------------------|
| <p align="center">APPLICATION OF TARIFF--COMMODITIES (Concluded) (Items 50 and 51)</p> <p>Rates in this tariff apply for the transportation of all commodities except the following:</p> <ul style="list-style-type: none"> Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicle. * The terms "tank trucks, tank trailers and tank semi-trailers" include any truck, trailer or semi-trailer with carrier or shipper provided collapsible tanks or bags 20 feet or more in length, 2000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity (Subject to Note), Livestock, Motor vehicles when towed by a tow car, Mushrooms, fresh (not cold pack nor frozen), Newspapers, newspaper supplements, sections or inserts (not scrap nor waste), Nuts, in the shell, Nuts, field shelled (rough shelled, with or without removal of broken shells, dirt, residue, or foreign material, and not cleaned nor further processed), Pickup and delivery of common carrier shipments transported from or to points outside the San Francisco city limits under through pickup and delivery rates, Poultry, live, Printed Matter, viz.: Advertising Matter, Books, Directories, Magazines, Pamphlets, Periodicals, Rating Books, Registers or Services; when tendered to one carrier at one time in a single lot consisting of identical articles for distribution to not less than eight separate addresses and where the weight of each delivery does not exceed 25 pounds, Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services, Property shipped to or from producers of motion pictures or television shows when transported subject to the rates and rules provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended, Property transported to a United States post office for mailing and United States mail transported from a post office to the addressee thereof, ** Telephone Directories, new, distributed to subscribers; old, picked up from subscribers, Trailer coaches and campers set up, (including contents and furniture and other personal effects for use outside of trailer coaches) for which rates are provided in Minimum Rate Tariff 18, Unloading and distribution of freight forwarders' cars originating at points outside the State, Used Property, viz.: Household goods, office and store fixtures and equipment, as described in and for which rates are provided in Minimum Rate Tariff 4-B, amendments thereto or reissues thereof, and used property as described therein of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services, Voting booths, ballot boxes, election tents and election supplies, when transported from or to polling places. <p>*NOTE.--The portion of this exemption preceded by * expires upon further order of the Commission.</p> | <p align="center">51</p> |
| <p>o Change) ** Eliminated) Decision No.</p> <p align="center">80973</p> | |
| EFFECTIVE | |
| <p align="center">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p> | |