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Decision No. 81028

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 No. 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

Eldon M. Johnson, Attorney at Law,
for Chemical & Pigment Co.,
applicant and petitioner.
Richard W. Smith and Arlo D. Poe,
Attorneys at Law, and Herbert W.
Hughes, for California Trucking
Association, interested party.
Gary E. Haas, for the Commission
staff.

O P I N I O N

Chemical & Pigment Co., a corporation, seeks to include agricultural-grade zinc sulphate in the list of fertilizers set forth in Item 580 of Exception Ratings Tariff 1 (ERT 1).

By interim order in Decision No. 80383 dated August 15, 1972, the relief sought was granted on an interim basis until March 1, 1973. Decision No. 80383 also ordered that a public hearing be scheduled for the receipt of evidence. Public hearing was held on December 14, 1972 before Examiner O'Leary at San Francisco.

Chemical & Pigment Co. manufactures, processes, and markets a technical and an agricultural grade of zinc sulphate monohydrate. The technical grade is used in pharmaceuticals, electrochemical plating, paint, and treatment of drinking water. The agricultural grade is not as pure as the technical grade and its only use is as an agricultural fertilizer.

Applicant assumed that the agricultural-grade zinc sulphate monohydrate was an exempt commodity as are other fertilizers. Recently it was brought to the applicant's attention that agricultural-grade zinc sulphate monohydrate is not specifically named in the fertilizer list in ERT 1.

The California Trucking Association as a matter of policy is opposed to exemptions from minimum rate regulations and therefore is opposed to the granting of the relief sought. The staff of the Commission recommended that agricultural-grade zinc sulphate monohydrate be included in the list of fertilizers set forth in Item 580 of ERT 1 on a permanent basis.

The listing presently set forth in Item 580 of ERT 1 pursuant to Decision No. 80383 is as follows: "Sulphate, zinc, agricultural-grade." During the hearing it was brought to the Commission's attention that the listing described above is broader than it should be and therefore the order which follows will provide that "Sulphate, zinc, monohydrate, agricultural-grade" be substituted for the present description.

Findings

1. Agricultural-grade zinc sulphate monohydrate is used only as a fertilizer.

2. Item 580 of Exception Ratings Tariff 1 lists certain fertilizers which are exempt from minimum rate regulations. Agricultural-grade zinc sulphate monohydrate should be treated the same as the fertilizers presently included in Item 580 of ERT 1.

3. Agricultural-grade zinc sulphate monohydrate should be included in the list referred to in Finding 2.

The Commission concludes that the sought relief should be granted and that the interim authority should be made permanent as revised by the ensuing order.

O R D E R

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 March 1, 1973, Tenth 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 page 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.

The effective date of this order shall be February 15, 1973.

Dated at San Diego, California, this 6th day of FEBRUARY, 1973.

Vernon L. Sturgeon
President
William J. Sturgeon
William J. Sturgeon
William J. Sturgeon
Commissioners

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		
	MTL	TL	
Fertilizers, viz.: Ammonia, sulphate of, in packages or in bulk, Ammonium, Sulphate Nitrate (Leunasalpeter), 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, Sulphate, zinc, monohydrate, 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 2½ 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
Change, Decision No. 81028			
EFFECTIVE			
Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.			