

ORIGINAL

Decision No. 81361

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation for the purpose of considering and determining revisions in or reissues of Exception Ratings Tariff No. 1. }	Case No. 7858 (Petition for Modification No. 151) (Filed March 20, 1973) (Amended March 27, 1973)
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OPINION AND ORDER

Exception Ratings Tariff No. 1 (ERT 1) contains various interim exception ratings, which apply in lieu of those named in National Motor Freight Classification A-13 and govern various minimum rate tariffs making specific reference thereto.¹

By the above petition, Chevron Chemical Company; Elanco Products Company, a division of Eli Lilly and Company; and Stauffer Chemical Company seek to re-establish the truckload exception rating of Class 35-4, minimum weight 45,000 pounds, in ERT 1 on "tree or weed killing compounds, NOI" subject to an expiration date of March 31, 1974.² Petitioners also request that common carriers be authorized and directed to establish in their respective tariffs all such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioners state that the truckload exception rating was established on a temporary basis to enable shippers and carriers to discuss and determine mutually agreeable ratings and rules for the transportation of tree or weed killing compounds. Petitioners aver

¹Minimum Rate Tariffs 1-3, 2, 9-B and 19.

²The truckload exception rating expired with December 31, 1972, pursuant to Decision No. 79119, in Case No. 7858, (Petition for Modification No. 105).

that the shippers and carriers were not able to come to an agreement over the various restrictions which governed the exception rating and allowed the temporary rating to expire. Petitioners allege that a need exists for the re-establishment of the aforementioned exception rating pending further discussion in this matter by interested shippers and carriers so that a permanent rating for this transportation may be determined.

Copy of the petition and amendment were mailed to California Trucking Association on March 19 and 26, 1973. The petition and amendment were listed on the Commission's Daily Calendar of March 21 and 27, 1973. No objection to the granting of the petition, as amended, has been received.

Commission staff analysis indicates that re-establishment of the aforementioned exception rating would result in lower rates and charges for the transportation of tree or weed killing compounds and allow shippers, receivers and carriers additional time for further review of this matter. The staff recommends that the petition, as amended, be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that petitioners' proposal is reasonable and justified. A public hearing is not necessary. The Commission concludes that the petition, as amended, should be granted.

IT IS ORDERED that:

1. Exception Ratings Tariff No. 1 (Appendix A to Decision No. 66195, as amended) is further amended by incorporating therein, to become effective June 7, 1973, Thirteenth Revised Page 20 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. 66195, 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 page incorporated in this order.

4. Common carriers, in establishing and maintaining the rating 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 rating 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. 66195, 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 8th day of May, 1973.

Vernon L. Stinson
President
William J. Brown, Jr.

Alvin M. ...
...
Commissioners

SECTION 2--RATINGS WHICH ARE EXCEPTIONS TO THE GC (Continued)		ITEM
(Numbers with 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	
<p>Egg Case or Egg Carrier Filler Flats (fillers and flats combined) molded wood-pulp, nested, in packages (60360)</p> <p>Truckload: Minimum Weight 24,000 pounds (Subject to Note)-----</p> <p>NOTE--Minimum weight applies to each unit of carrier's equipment used in the transportation of a single shipment. A unit of equipment includes any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles operated as a single unit.</p>	60	450
<p>Compounds, tree or weed killing (Herbicides), NOI, (50320), see Notes 1 through 8:</p> <p>Truckload: Minimum Weight 45,000 pounds-----</p> <p>NOTE 1--Applies only when all provisions of the following notes are met. Otherwise, provisions of the Governing Classification shall apply.</p> <p>NOTE 2--Rates resulting from application of the provisions of this item do not alternate with other rates and charges and may not be used in combination with any other rates.</p> <p>NOTE 3--Applies only in connection with prepaid shipments released to 50¢ per pound per article. Shipper must enter the following statement on the bill of lading or shipping document:</p> <p>"The agreed or declared value of the property is hereby stated by the shipper to be not exceeding 50¢ per pound, for each article."</p> <p>If shipper fails or declines to declare such value in writing, the provisions of this item will not apply.</p> <p>NOTE 4--Applies only in connection with shipments loaded by consignor and unloaded by consignee with power equipment, furnished and used without expense to the carrier. In such circumstances, physical assistance of carrier employee is restricted to work within or on carrier's equipment and does not include stacking, unstacking, removal or placement of merchandise on pallets.</p> <p>NOTE 5--The free weight of pallets containing commodities moving under provisions of this item is limited to 5% of the weight on which transportation charges are computed.</p> <p>NOTE 6--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 moving under rates in this item, each such vehicle or combination of vehicles shall be subject to the highest minimum weight applicable to any rate used in computing charges.</p> <p>NOTE 7--Not more than 3 component parts shall be permitted in connection with shipments moving in split pickup or split delivery service.</p> <p>NOTE 8--When moving in mixed shipments with other commodities, the entire shipment shall be subject to the provisions of Notes 4 and 6 hereof.</p>	35.4	00 (E) 460
(E) Expires with March 31, 1974.		
◊ Increase) ◊ Reduction) Decision No. 81361		
EFFECTIVE		
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA	