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ORIGINAL

Decision No. 81379

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).

And Related Matters.

Case No. 5432, Pet. 709
(Filed July 28, 1972; amended
September 8, 1972)

Case No. 5432, Pet. 721
(Filed October 27, 1972)

Case No. 5330, Pet. 64

Case No. 5433, Pet. 41

Case No. 5436, Pet. 124

Case No. 5437, Pet. 229

Case No. 5438, Pet. 86

Case No. 5439, Pet. 163

Case No. 5440, Pet. 79

Case No. 5441, Pet. 249

Case No. 5603, Pet. 108

Case No. 5604, Pet. 32

Case No. 6008, Pet. 18

Case No. 7783, Pet. 56

Case No. 7857, Pet. 61

Case No. 8808, Pet. 18
(Filed July 28, 1972; amended
September 8, 1972)

Case No. 5439, Pet. 169

Case No. 5441, Pet. 255
(Filed October 27, 1972)

Richard W. Smith and A. D. Poe, Attorneys at Law,
and H. Hughes, for California Trucking Association,
petitioner (Pet. 709) and interested party
(Pet. 721).

Jess J. Butcher and William M. Larimore, for
California Manufacturers Association, petitioner
(Pet. 721) and protestant (Pet. 709).

Lee Pfister, for Willig Freight Lines; John Cdoxta,
for Shippers Encinal Express; Armand Karp, for
Rogers Motor Express; Joe MacDonald, for California
Motor Express; and John McSweeney, for Delta
Lines, Inc., respondents.

E. R. Chapman and Henry Ohrzda, for Foremost Foods,
protestant (Pet. 709) and interested party (Pet. 721).

Ralph Hubbard, for California Farm Bureau Federation;
Philip G. Blackmore, Jr., for California & Hawaiian
Sugar Company; R. G. Moon, for Western Motor Tariff
Bureau; Don B. Shields, for Highway Carriers
Association; William D. Mayer and Raymond E. Healy,
for Cannery League of California; Scott D. Flegal
and J. G. O'Neill, for Safeway Stores, Inc.; and
Harold Sumerfield, for Bethlehem Steel Corporation,
interested parties.

Robert E. Walker and John F. Specht, for the Commission
staff.

O P I N I O N

Minimum rates prescribed by the Commission for the for-hire transportation of property by highway carriers over the public highways in California are set forth in Minimum Rate Tariffs (MRT) 1-B, 2, 3-A, 4-B, 6-A, 7, 8, 9-B, 10, 11-A, 12, 13, 14-A, 15, 17, 18, and 19. These tariffs each contain provisions setting forth the type or kind of traffic, or list of commodities, for which the minimum rates named in a particular minimum rate tariff do not apply. These tariff provisions are commonly referred to as "exempt commodities", "exemptions", or "exempt traffic". Items 40, 41, and 42 of MRT 2 (Statewide General Commodities) are typical minimum rate exempt provisions. The rates assessed for exempt traffic are determined through a process of negotiation between shipper and carrier. The level of such negotiated rates may be the same as or different than the otherwise governing minimum rates.

The California Trucking Association (CTA) in Case No. 5432 (Petition 709) et al., seeks clarification and revision of the existing exempt commodity provisions of the several minimum rate tariffs. The California Manufacturers Association (CMA) does not oppose CTA's efforts to have such exempt commodity tariff items clarified, but it does oppose the trucking association's proposal to limit the scope of exempt traffic to straight shipments; thereby making exempt commodities subject to minimum rate regulations when included as part of a mixed shipment with nonexempt commodities. The CMA urges in Case No. 5432 (Petition 721) et al., that tariff provisions governing mixed shipments of exempt and nonexempt commodities, in effect prior to Decision No. 77929 dated November 10, 1970 in Case No. 5432 et al., be reinstated in MRT 1-B, 2, 9-B, and 19. The Commission's Transportation Division staff supports this CMA proposal.

Public hearings of these matters were held on a consolidated record before Examiner Gagnon in San Francisco on October 6, 1972 and January 24, and 26, 1973. The petitions were submitted on the latter date subject to the filing of closing briefs, due on or before February 16, 1973, which have been received.

Petition 709 et al.

The California Trucking Association introduced specific tariff proposals relative to MRT 1-B (East Bay Drayage), MRT 2 (Statewide General Commodities), MRT 4-B (Used Household Goods), MRT 8 (Fresh Fruits and Vegetables), MRT 9-B (San Diego Drayage), MRT 11-A (New Furniture), and MRT 19 (San Francisco Drayage). The CTA did not present any tariff proposals relative to the Commission's other minimum rate tariffs. Accordingly, Petitions 41, 124, 229, 79, 32, 18, 56, 61, and 18 in Cases Nos. 5433, 5436, 5437, 5440, 5604, 6008, 7783, 7857, and 8308, respectively, should be dismissed.

The CTA explained that its suggested revision of Items 40, 41, and 42 of MRT 2, together with the evidence it presented in support thereof, applies equally to the trucking association's presentation relative to the like exempt provisions of the other minimum rate tariffs involved. The rates named in MRT 2 "apply for the transportation of all commodities except" those listed in Items 40, 41, and 42 of the tariff. The exempt traffic listed therein is variously described by (1) specific commodity descriptions, (2) reference to the various minimum rate tariffs (other than MRT 2) which govern the transportation, and (3) reference to commodities subject to certain transportation circumstances and conditions. The three categories of exempt traffic are arranged in alphabetical order.

The CTA recommends that the exempt traffic provisions of MRT 2 be separated into three main groups. The first group would set forth, in numerical order, the various minimum rate tariffs, other than MRT 2, which govern the transportation. The second group lists, in alphabetical order, the specific commodities exempt from minimum rate regulation. The third group sets forth the traffic exempt from minimum rate regulation when transported under specified circumstances or conditions. This initial phase of CTA's rate proposal is intended for tariff clarification and simplification only.

The transportation of two or more differently rated commodities in a single shipment governed by MRT 2 are subject to the mixed shipment provisions of Item 90 of that tariff. The mixed shipment provisions apply only in connection with the transportation of commodities for which rates are named in MRT 2. Transportation of MRT 2 exempt commodities in a mixed shipment with commodities subject to MRT 2 rates and charges must be rated under the current provisions of Item 90 of the tariff as two separate shipments (except mixed shipments of intrastate and interstate traffic within California as set forth in Item 91 of MRT 2).

The CTA now seeks to have the MRT 2 exempt commodity traffic (Group 2) named in Items 40, 41, and 42 of the tariff restricted to straight shipments consisting entirely of exempt commodities. In other words, whenever MRT 2 exempt commodities are included in a single mixed shipment with commodities subject to MRT 2, the exemption status of the former commodities would be removed and the entire mixed shipment made subject to the rates and rules named in MRT 2.

The CTA contends that the existence of exempt traffic subverts the minimum rate structure in many respects and often requires nonexempt traffic to subsidize exempt movements at the expense of the ratepayer. It is suggested that such inequities may be relieved only through the establishment of minimum rates for existing exempt traffic. In the interim, CTA contends that other problems relating to exempt traffic may be resolved. Among such problems, the CTA maintains, is the current tariff restriction prohibiting movements of exempt and nonexempt commodities in a single mixed shipment, even though the exempt commodities would move at minimum rate levels. The CTA further maintains that the present tariff restrictions precluding mixtures of commodities moving under different minimum rate tariffs is proper. It also holds that it is equally correct to prohibit mixed shipments of exempt and nonexempt commodities if the exempt portion of the shipment would move at rates lower than the otherwise governing minimum rates. The CTA maintains, however, that there is no apparent justification for failing to permit mixed shipments of exempt and nonexempt commodities to move under the minimum rates.

Petition 721 et al.

The mixed shipment provisions pertaining to movements of exempt commodities under the several minimum rate tariffs of the Commission were last generally revised by Decision No. 77929 (MRT 2)

and companion Decisions Nos. 77931 (MRT 9-B), 77932 (MRT 1-B), and 77933 (MRT 19) in Cases Nos. 5432, 5439, and 5441. The ex parte orders in these decisions canceled existing alternative methods for computing mixed shipment charges when exempt and nonexempt commodities are included in a mixed shipment.

The CMA and the Commission's Transportation Division staff now suggest that the mixed shipment provisions pertaining to exempt commodities which were in effect immediately prior to Decision No. 77929 et al. be reinstated. The portion of the mixed shipment provisions previously contained in Item 90 of MRT 2 that was canceled by Decision No. 77929 reads:

"Commodities for which rates are provided herein, moving in mixed shipments containing commodities for which rates are provided in other effective tariffs of the Commission, or in mixed shipments containing commodities upon which no minimum rates or charges have been established by this Commission:

"(a) When one or more commodities for which rates are not provided in this tariff are included in a shipment of one or more commodities for which rates are herein provided, the rate or rates applicable to the entire shipment may be determined as though all of the commodities were ratable under the provisions of this tariff; or, the charges on the traffic subject to the rates named in this tariff may be computed at the separate rates applicable to such traffic based upon the combined weight of the entire mixed shipment, but in no event shall the total charges for the entire mixed shipment be less than the charges for the weight of the commodities for which rates are provided in this tariff when computed as a separate shipment; or one or more of the commodities for which rates are not provided in this tariff may be transported at the rates otherwise applicable.

In the event the last described basis is used, the minimum charges provided in Item No. 150 of this tariff shall apply to the entire shipment. The minimum weight shall be the highest provided for any of the rates named in this tariff used in computing charges. The rate applicable to the deficiency weight, if any, shall be the rate applicable to the lowest rated commodity which is included in the mixed shipment and which is subject to the rates named in this tariff."

The CMA contends that the abolishment of the aforementioned tariff provisions by Decision No. 77929 et al., as an orderly transition to a recently adopted Governing Classification (National Motor Freight Classification), was in error. The CMA submits that such former mixed shipment provisions in the various minimum rate tariffs had nothing to do with an orderly transition to the Governing Classification. The CMA states that the cancellation of minimum rate tariff rules for rating mixed shipments of exempt and nonexempt commodities has created confusion, doubt, and the payment of excessive freight charges by California shippers.

The staff contends that it does not appear to be reasonable for commodities to lose their exempt status by application of a supplementary tariff rule. The staff witness explained that the tariff provisions authorizing mixed shipments of exempt and nonexempt commodities was previously in effect in the several minimum rate tariffs for many years without change or complaint from both shippers and carriers. The staff recommends that the tariff rule for mixed shipments of exempt and nonexempt commodities previously noted herein be reinstated in MRT 1-B, 2, 9-B, and 19. The staff witness also states that his study indicates no revision is required at this time in the existing tariff rules named in MRT 4-B, 8, and 11-A governing mixed shipments of exempt and nonexempt commodities.

Discussion

The tariff rules governing mixed shipments set forth in Items 320, 90, 220, and 210 of MRT 1-B (East Bay Drayage), MRT 2 (Statewide), MRT 9-B (San Diego Drayage), and MRT 19 (San Francisco Drayage), respectively, contain the following limitation: "The provisions of this item apply only in connection with the transportation of commodities for which rates are provided in this tariff..."

When, therefore, commodities which are exempt from minimum rate regulation are transported in mixed shipments with commodities that are subject to the minimum rates, the exempt and nonexempt commodities must be rated as two separate shipments. The CTA now seeks to have the tariff provisions exempting specified commodities from minimum rate regulation restricted to shipments consisting entirely of such exempt commodities. Adoption of CTA's rate proposal would remove the exempt status of those commodities now listed as exempt from minimum rate regulation when such commodities are transported in mixed shipments with nonexempt commodities; thereby making the entire mixed shipment subject to minimum rate regulation.

The CTA did not present any evidence designed to show that the application of the present level of minimum rates to otherwise exempt traffic when transported in mixed shipments with nonexempt traffic would, in fact, result in the establishment of just, reasonable, and nondiscriminatory rates for such otherwise exempt traffic in all instances. There is reason to believe that any extensive expansion of the Commission's minimum rate program, such as proposed by the CTA herein, would also require a determination as to the need for special commodity rates and/or exceptions ratings applicable to commodities now exempt from minimum rate regulation.

The CMA and Commission staff suggest that the mixed shipment provisions in effect in the several minimum rate tariffs prior to Decision No. 77929 be reinstated. The issues involved in Petition 709 et al. pertain only to mixed shipments of exempt and nonexempt commodities (CTA's Group 2 exempt traffic). The thrust of Petition 721 et al. is responsive to CTA's pleading. No evidence was presented by either the CMA or Commission staff to justify the application of MRT 2 rates to commodities for which minimum rates are prescribed in other effective minimum rate tariffs, either directly or as maximum, when such commodities are included in a mixed shipment with MRT 2 commodities. In addition, no probative evidence was submitted by any party in justification for limiting the exempt status of certain commodities when transported under specified circumstances and conditions (CTA's Group 3 exempt traffic).

Under CMA's first alternative procedure for determining mixed shipment charges, the rate or rates applicable to the entire mixed shipment are determined as though the exempt commodities included in the mixed shipment were ratable under the provisions of MRT 2. The mixed shipment charges resulting under this method would be the same as those produced under CTA's rate proposal in Petition 709 et al. The CTA has no fundamental objection to this particular phase of CMA's rate proposal.

The CMA's second alternative method for computing mixed shipment charges constitutes the real issue and objective of Petition 721 et al. It provides that:

Charges for MRT 2 nonexempt commodities included in a mixed shipment shall be computed at the separate rates applicable thereto based upon the combined weight of the entire mixed shipment of exempt and nonexempt commodities, but in no event shall the total charges for the entire mixed shipment be less than the charges for the weight of the nonexempt commodities when computed as a separate shipment.

This second method for computing mixed shipment charges makes possible the application of lower truckload volume rates for less-truckload quantities of nonexempt commodities when included in a mixed shipment. It permits the total mixed shipment charges to be no higher than the less-truckload charges applicable to the regulated commodities if transported as a separate shipment. In effect, this means that the exempt commodity portion of the mixed shipment may be transported without charge. In the absence of the lower volume rates available under CMA's proposed mixed shipment rule, movements of regulated commodities with exempt commodities must be rated as two separate shipments. This, in turn, eliminates the rate advantage for including exempt and nonexempt traffic in a single mixed shipment. It is the influence of the unregulated portion of a mixed shipment upon the determination of the level of the minimum rate or rates applicable to the regulated segment of such shipment that is the most objectionable feature of CMA's proposed reinstatement of mixed shipment tariff rules formerly published in the several minimum rate tariffs. Such mixed shipment provisions gave shippers of exempt and nonexempt commodities a significant pricing advantage over shippers of regulated traffic in the competitive market. To this extent the proposed second alternative rule for computing charges tends to dilute the element of equality of competitive opportunity stressed in the Commission's minimum rate structure.

The third alternative rule proposed by CMA as a basis for computing mixed shipment charges is nonresponsive to the issues involved in Petitions 709 and 721 et al., and need not be considered further.

The CTA's contention that there is no apparent justification for prohibiting the application of established minimum rates to the otherwise exempt portion of a mixed shipment containing commodities subject to minimum rate regulation is persuasive to the extent that such extension of minimum rate regulation is permissive or at shipper's option. The shipper should not be precluded from the rate advantages available under the mixed shipment provisions of the several minimum rate tariffs when it has been determined that the minimum rates, previously found to be just, reasonable, and nondiscriminatory, will, in fact, encourage the for-hire movement of the otherwise exempt traffic. If the first alternative method for computing charges set forth in CMA's proposed tariff rule for rating mixed shipments was adopted, the need demonstrated in this proceeding by CTA and CMA for a basis to determine minimum rates in conjunction with mixed shipments of exempt and nonexempt commodities would be substantially satisfied. Such action would also avoid the undesirable rate aspects contained in the rate proposals presented by CTA and CMA, respectively. Shippers who wished to take advantage of such a mixed shipment tariff rule but are of the opinion that application of the established minimum rates to their otherwise exempt traffic results in unreasonably high minimum freight charges may, of course, petition the Commission for an opportunity to present evidence in justification of the relief desired in such circumstances.

The CTA's proposed clarification of Items 40, 41, and 42 of MRT 2 and related provisions of MRT 1-B, 9-B, and 19 is generally not opposed, improves the general format of the minimum rate tariffs

involved, and should be adopted. The staff's determination that there is no need for revision of the mixed shipment provision in MRT 4-B, 8, and 11-A at this time is also considered to be a proper conclusion with respect to these particular tariffs.

Findings

1. Minimum Rate Tariffs 1-B, 2, 9-B, and 19 contain provisions for the computation of minimum rates and charges applicable to the transportation of two or more commodities when included in a mixed shipment. These mixed shipment tariff rules apply only in connection with the transportation of commodities for which rates are named in the particular minimum rate tariffs.

2. When commodities for which rates are named in a particular minimum rate tariff are included in a mixed shipment with commodities for which minimum rates are not named therein, such commodities must be rated as two or more separate shipments.

3. The California Trucking Association in Petition 709 et al. seeks to have the exemption status of commodities, presently specified in the minimum rate tariffs of the Commission as being not governed thereby, restricted to straight shipments consisting entirely of commodities presently exempt from minimum rate regulation.

4. The restriction upon the present minimum rate exemption status of certain commodities proposed by the California Trucking Association has not been shown to result in the application of minimum reasonable rates for otherwise exempt traffic under all transportation circumstances and conditions.

5. Shippers of exempt and nonexempt traffic should not be excluded from the known minimum rate advantages available under the existing mixed shipment rules of the several minimum rate tariffs

when such shippers determine that the for-hire transportation of their exempt traffic, under the established minimum rates, is to their economic advantage.

6. The mixed shipment provisions of certain minimum rate tariffs should be revised so that when one or more commodities for which minimum rates are not provided are included in a shipment of one or more commodities for which minimum rates are provided, the rate or rates applicable to the entire shipment may be determined as though all of the commodities were ratable under the established minimum rates.

7. The revision of the mixed shipment rules contained in several of the Commission's minimum rate tariffs, as proposed in Finding 6, will accomplish the major objectives sought in Petitions 709 and 721 et al. without the imposition of minimum rate regulation under transportation circumstances and conditions considered to result in the assessment of unreasonable rates and charges upon otherwise unregulated traffic.

8. The reorganization of the present format of the exempt commodity tariff items published in several of the Commission's minimum rate tariffs, as proposed in Petition 709 et al., will result in tariff clarification and simplification, has considerable merit, and should be adopted.

9. The Commission's Transportation Division staff analysis and recommendation that there is no need for revision of the mixed shipment provisions contained in Minimum Rate Tariffs 4-B (Used Household Goods), 3 (Fresh Fruits and Vegetables), and 11-A (New Furniture) is persuasive and should be adopted.

10. The proposed revision of the mixed shipment provisions of several of the Commission's minimum rate tariffs as set forth in Finding 6 partially reflects the tariff adjustments urged by the California Manufacturers Association in its Petition 721 et al.

11. The adoption of certain of the mixed shipment tariff provisions previously canceled by Decision No. 77929 et al. would afford shippers of mixed shipments of exempt and nonexempt

traffic an undue competitive advantage over like shippers of nonexempt traffic only.

12. The rate reduction under the mixed shipment provisions recommended in Finding 6 would result in just, reasonable, and nondiscriminatory minimum rates for the transportation governed thereby.

13. The second and third alternative procedure for rating mixed shipments of exempt and nonexempt traffic suggested in Petition 721 et al. has not been shown to be justified.

Conclusions

1. Petitions 709, 163, and 249 of the California Trucking Association and Petitions 721, 169, and 255 of the California Manufacturers Association, in Cases Nos. 5432, 5439, and 5441, respectively, should be partially granted as modified herein and Minimum Rate Tariffs 2, 1-B, 9-B, and 19 amended accordingly.

2. To the extent not granted herein CTA's Petitions 64, 709, 86, 163, 249, and 103 in Cases Nos. 5330, 5432, 5433, 5439, 5441, and 5603, respectively, should be denied.

3. To the extent not granted herein CMA's Petitions 721, 169, and 255 in Cases Nos. 5432, 5439, and 5441, respectively, should be denied.

4. Petitions 41, 124, 229, 79, 32, 13, 56, 61, and 18 in Cases Nos. 5433, 5436, 5437, 5440, 5604, 6008, 7783, 7857, and 8308, respectively, should be dismissed.

In order to avoid duplication of tariff distribution, Minimum Rate Tariff 2 will be amended by the following order and Minimum Rate Tariffs 1-B, 9-B, and 19 will be amended by separate order.

O R D E R

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 June 14, 1973, the tariff pages attached hereto and

listed in Appendix A, which pages and appendix by this reference are 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 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.

3. 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 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.

4. In all other respects Decision No. 31606, as amended, shall remain in full force and effect.

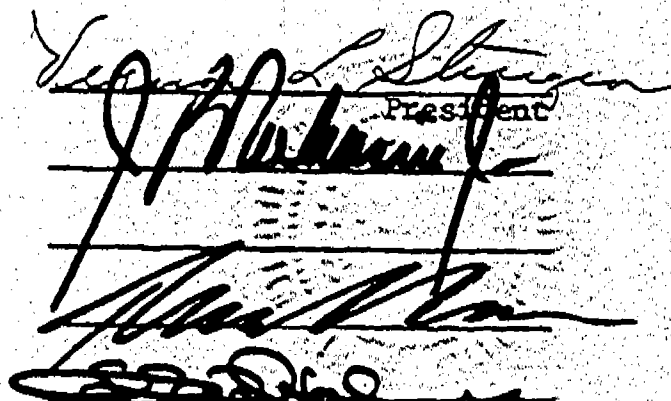
5. To the extent Petitions 709, 249, 163, 108, 86, and 64 of the California Trucking Association and Petitions 721, 169, and 255 of the California Manufacturers Association are not granted, said petitions are denied.

C. 5432 Pet. 709 et al. lmm

6. Petitions 41, 124, 229, 79, 32, 13, 56, 61, and 18 in Cases Nos. 5433, 5436, 5437, 5440, 5604, 6008, 7783, 7857, and 8808, respectively, are dismissed without prejudice.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of MAY, 1973.


President
Commissioners

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

C. 5432 (Pets. 709 and 721) et al.

APPENDIX A

LIST OF REVISED PAGES TO MINIMUM RATE TARIFF 2

SIXTIETH REVISED PAGE 14

SIXTY-FIRST REVISED PAGE 15

TWENTY-THIRD REVISED PAGE 15-A

SEVENTEENTH REVISED PAGE 17

FIFTH REVISED PAGE 17-A

(END OF APPENDIX A LIST)

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Items 40, 41 and 42)</p> <p>Except as otherwise specifically provided in this tariff, rates named herein apply for the transportation of all commodities except as provided in Paragraphs 1, 2 or 3 below:</p> <p>1. Rates in this tariff will not apply to the transportation of commodities when subject to the rates provided in the following minimum rate tariffs (or successive issues thereof):</p> <ul style="list-style-type: none"> 3-A - Livestock 4-B - Used household goods, personal effects and office, store and institution furniture, fixtures and equipment 6-A - Petroleum and petroleum products, as described, when transported in bulk in tank trucks, tank trailers or tank semitrailers 7 - Property, as described, when transported in dump truck equipment 8 - Fresh fruits, fresh vegetables and specified empty containers 10 - Cement and other specified commodities 11-A - Uncrated new furniture 12 - Motor vehicles, as described, in secondary movement by truckaway service 13 - Commodities transported by vacuum-type and pump-type tank 14-A - Specified agricultural commodities, in bulk 15 - Yearly, monthly, weekly and hourly vehicle unit rates 17-A - Property, as described, when transported in dump truck equipment - Southern California 18 - Trailer coaches and campers <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities:</p> <ul style="list-style-type: none"> Accessories, motion picture Automobiles, set up (when rates are not otherwise provided in Minimum Rate Tariff 12) Baggage Butteralk, liquid (subject to Note 1) Carriers (used packages), as described in Items 320 and 321 of the Exception Ratings Tariff, empty returning or forwarded for return loads (subject to Note 2) Cement Clinker Concrete transported in motor vehicles equipped for mechanical mixing in transit Cottage Cheese (subject to Note 1) Cotton Cream (subject to Note 1) Directories, telephone Eggs, other than shelled, desiccated or frozen (subject to Note 1) Fertilizers, as described in Items 540, 560 and 580 of the Exception Ratings Tariff Film, motion picture Fruit, dried, unmanufactured and unprocessed (subject to Note 3) Fruit, fresh or green, including dates, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8) Fruit, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled fruit Fungicides, agricultural 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 4) Furniture, uncrated, new, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services Hops Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses Kills, almond, including shells and other waste from the hulling and shelling of almonds, not processed for use as animal or poultry feed Ice Cream Mix, unflavored (subject to Note 1) Insecticides, agricultural Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less <p style="text-align: center;">(Continued in Item 41)</p>	440
<p>Δ Change in format only, Decision No. 81379</p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>

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>2. Rates in this tariff will not apply to shipments consisting of the following commodities (concluded):</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</p> <p>Livestock (when rates are not otherwise provided in Minimum Rate Tariff 3-A)</p> <p>Logs (wood)</p> <p>Milk, liquid (subject to Note 1)</p> <p>Newspapers, newspaper supplements, sections or inserts (not scrap or waste)</p> <p>Nuts, in the shell (when rates are not otherwise provided in Minimum Rate Tariff 8)</p> <p>Nuts, field shelled (when rates are not otherwise provided in Minimum Rate Tariff 8)</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 (subject to Note 1)</p> <p>Poultry, live</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>Sulphur</p> <p>United States mail transported for the Post Office Department under contract</p> <p>Used property, as described in Minimum Rate Tariff 4-B, 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, including mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8)</p> <p>Vegetables, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled vegetable</p> <p>Vegetables, dried, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper Pods</p> <p>Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places</p> <p>NOTE 1--(a) Except as provided in paragraph (b), exemption applies only in connection with straight or mixed shipments of commodities making reference hereto and only when shipped in quantities of not less than 20,000 pounds.</p> <p>(b) The provisions of paragraph (a) of this note do not apply in connection with:</p> <p>(1) The transportation of Eggs moving in straight shipments from point of production.</p> <p>(2) Shipments moving in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles or in milk shipping cans from point of production.</p> <p>NOTE 2--Includes only used empty carriers which are returning from an outbound paying load of traffic for which rates are not provided in this tariff, or which are being forwarded for a return paying load of traffic for which rates are not provided in this tariff (subject to Item 80 of the Exception Ratings Tariff).</p> <p>NOTE 3--Exemption applies only as to dried fruit in the natural state and which has not been cleaned, washed, stemmed or otherwise prepared or partially prepared for human consumption.</p> <p>NOTE 4--Exemption applies only when the distance between point of origin and destination does not exceed 35 miles, computed in accordance with the provisions of Item 100.</p> <p>NOTE 5--Exemption applies only when shipper certifies on the shipping document covering the transportation that the shells or Shell Marl are being shipped for use as a fertilizer.</p> <p style="text-align: center;">(Continued in Item 42)</p>	<p style="text-align: center;">441</p>
<p>Δ Change in format only. Decision No.</p> <p style="text-align: right; font-size: 1.5em;">81379</p>	
EFFECTIVE	
<p>Correction</p>	<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SAN FRANCISCO, CALIFORNIA</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Concluded) (Items 40, 41 and 42)</p> <p>3. Rates in this tariff will not apply to the transportation of the following:</p> <p>Commodities of abnormal size or weight which because of such size or weight require the use of and are transported on low bed trailers</p> <p>Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol</p> <p>Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported</p> <p>Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight; further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer</p> <p>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> <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 to a United States Post Office for mailing and United States mail transported from a post office to the addressees thereof (subject to Note 1)</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 2)</p> <p>Shipments weighing 10 pounds or less when transported by carriers which operate no vehicles exceeding a licensed weight of 4,000 pounds (subject to Note 3)</p> <p>NOTE 1--Exemption applies only to transportation between points within a radius of 25 miles of the intersection of 1st and Main Streets, Los Angeles, said mileage to be computed in accordance with the provisions of Item 100.</p> <p>NOTE 2--Exemption applies only when the distance between point of origin and destination does not exceed 35 miles, computed in accordance with the provisions of Item 100.</p> <p>NOTE 3--Exemption applies only to transportation between points located within the Los Angeles Basin Territory as described in Item 270.</p>	442
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SECTION 1--RULES OF GENERAL APPLICATION (Continued)

ITEM

MIXED SHIPMENTS
(Items 90 and 91)(Exception to Section 2 of Item 640 and Sections 1,
2, 3 and 4 of Item 645 of the Governing Classification)

1. The provisions of this item apply only in connection with the transportation of commodities for which rates are provided in this tariff. (See Exceptions 1 *and 2)
2. When two or more commodities, for which different rates are provided, are shipped as a mixed shipment without actual weights being furnished or obtained for the portion shipped under the separate rates, charges for the entire shipment will be computed at the class or commodity rate applicable to the highest rated commodity contained in such mixed shipment (see Paragraph 4 of this item for exception).
3. When two or more commodities are included in the same shipment and separate weights thereof are furnished or obtained, charges will be computed at the separate rates applicable to such commodities in straight shipments of the combined weight of the mixed shipment. The minimum weight shall be the highest provided for any of the rates used in computing the charges. In the event a lower charge results by considering such commodities as if they were divided into two or more separate shipments, such lower charge shall apply.
4. When charges are computed on a higher minimum weight than the quantity actually shipped, any deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated commodity or commodities (if more than one commodity is subject to the same rate) in the shipment provided the actual weight of such commodity or commodities aggregates ten percent (10%) of the actual weight of the shipment or 500 pounds, whichever is lower. If the aggregate actual weight of such lowest rated commodity or commodities does not total the required amount, the deficit weight shall be charged for at the rate applicable to the commodity or commodities (if more than one commodity is subject to the same rate) in the shipment having the greatest aggregate actual weight.
5. If lower charges result by applying specific mixture provisions of the Governing Classification or Exception Ratings Tariff than under other provisions of this item, such basis shall be used in determining the applicable charges.

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(Continued in Item 91)

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 * Addition } Decision No.

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 SAN FRANCISCO, CALIFORNIA

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">MIXED SHIPMENTS (Concluded) (Items 90 and 91)</p> <p>EXCEPTION 1 --Commodities for which rates are named in this tariff may move in mixed shipments with commodities on which interstate rates are applicable, subject to the following provisions:</p> <p>(a) All intrastate and interstate points of origin and destination must be located wholly within the geographical limits of the State of California. Intrastate portions of such shipments may not be combined with interstate portions moving on through interstate rates to points outside the State of California.</p> <p>(b) The provisions of this exception shall apply only when both the intrastate and interstate portions move under a single contract of carriage embodied in one bill of lading on which are shown separately (1) for the intrastate portion and each component part thereof, and (2) for the interstate portion and each component part thereof, the name of each shipper and consignee, each point of origin and each point of destination, and the quantity, kind and weight of the property transported. The weight of the entire shipment shall also be shown.</p> <p>(c) Charges on commodities for which rates are named in this tariff will be computed at the separate rates applicable to such commodities in straight shipments of the combined weight of the mixed (intrastate and interstate) shipment. The minimum weight shall be the highest provided for any of the intrastate rates used in computing the charges.</p> <p>(d) The term "interstate" as used in this exception means interstate or foreign.</p> <p>*EXCEPTION 2 --When one or more commodities for which no minimum rates have been established as set forth in paragraph 2 of Items 40 and 41 of this tariff are included in a shipment with one or more commodities for which rates are provided in this tariff, the rate or rates applicable to the entire mixed shipment may be determined as though all of the commodities were ratable under the provisions of this tariff. In the event a lower charge results by considering such commodities as if they were divided into two or more separate shipments, such lower charge shall apply.</p>	691
<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px;"> ♂ Change) * Addition) ♦ Increase) ◊ Reduction) </div> <div> Decision No. 81379 </div> </div>	
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Correction