

ORIGINAL

Decision No. 81380

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 property )  
within San Diego County (including )  
transportation for which rates are )  
provided in Minimum Rate Tariff )  
No. 9-B).

Case No. 5439  
Petition for Modification  
No. 163  
(Filed July 28, 1972;  
amended September 8, 1972)  
Petition for Modification  
No. 169  
(Filed October 27, 1972)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 81379 entered today in Case No. 5432 (Petitions 709 and 721) et al., the Commission found that certain minimum rate tariff provisions pertaining to traffic exempt from minimum rate regulation should be clarified, and other minimum rate tariff rules governing mixed shipments should be revised to permit exempt traffic, when included in a mixed shipment with non-exempt traffic, to be rated under minimum rates. The decision also provided that Minimum Rate Tariff 9-B should be amended by separate order to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff 9-B (Appendix A of Decision No. 67766, as amended) is further amended by incorporating therein, to become effective June 14, 1973, the revised pages attached hereto and listed in Appendix A, also attached hereto, 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.




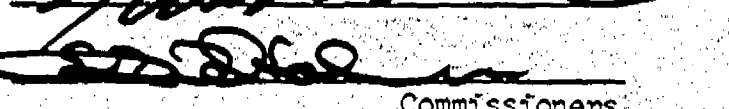
3. Common carriers, in establishing and maintaining the rates authorized hereinabove, are hereby authorized to depart from the provisions of Section 450 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such 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 said Decision No. 67766, 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 15<sup>th</sup> day of MAY, 1973.

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

  
President  
  
  
  
Commissioners

APPENDIX A

LIST OF ORIGINAL AND REVISED PAGES  
TO MINIMUM RATE TARIFF 9-B

SECOND REVISED PAGE 16

THIRTEENTH REVISED PAGE 17

ORIGINAL PAGE 17-A

THIRD, REVISED PAGE 30

FIRST REVISED PAGE 30-A

(END OF APPENDIX A LIST)

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Items 50, 51 and 52)</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"> <li>3-A - Livestock</li> <li>4-B - Used household goods, personal effects and office, store and institution furniture, fixtures and equipment</li> <li>6-A - Petroleum and petroleum products, as described, when transported in bulk in tank trucks, tank trailers or tank semi-trailers</li> <li>7 - Property, as described, when transported in dump truck equipment</li> <li>8 - Fresh fruits, fresh vegetables and specified empty containers</li> <li>10 - Cement and other specified commodities</li> <li>11-A - Uncrated new furniture</li> <li>12 - Motor vehicles, as described, in secondary movement by truckaway service</li> <li>13 - Commodities transported by vacuum-type and pump-type tank vehicles</li> <li>14-A - Specified agricultural commodities, in bulk</li> <li>15 - Yearly, monthly, weekly and hourly vehicle unit rates</li> <li>17-A - Property, as described, when transported in dump truck equipment--Southern California</li> <li>18 - Trailer coaches and campers</li> </ul> <p style="text-align: center;">(Continued in Item 51)</p>	Δ50
<p>Δ Change in format only, Decision No. <b>81380</b></p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA SAN FRANCISCO, CALIFORNIA

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 50, 51 and 52)</p> <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities:</p> <p>Accessories, motion picture Animals, live Automobiles, freight or passenger, set up (when rates are not otherwise provided in Minimum Rate Tariff 12) Baggage Carriers, used packages, empty, returning from an outbound paying load of traffic for which no rates are provided in this tariff, or forwarded for a return paying load of traffic for which no rates are provided in this tariff Concrete transported in motor vehicles equipped for mechanical mixing in transit Cotton, in bales Cotton Linters, in bales Film, motion picture Fruits, fresh or green, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8) 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 Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses 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 Mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8) Newspapers, newspaper supplements, sections or inserts (not scrap nor waste) Nuts, in the shell (when rates are not otherwise provided in Minimum Rate Tariff 8) Nuts, field shelled (when rates are not otherwise provided in Minimum Rate Tariff 8) 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 Poultry, live 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 Vegetables, fresh or green, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8) Vehicles, disabled, when transported by towing Voting booths, ballot boxes, election tents, and election supplies when transported from or to polling places</p> <p style="text-align: center;">(Continued in Item 52)</p>	<p style="text-align: center;">Δ51</p>
<p>Δ Change in format only, Decision No.</p>	<p style="text-align: center;">81380</p>
<p style="text-align: center;">EFFECTIVE</p>	
<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 (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Concluded) (Items 50, 51 and 52)</p> <p>3. Rates in this tariff will not apply to the transportation of the following:</p> <p>Commodities picked up or delivered for common carriers within the common carriers' lawfully published pickup and delivery limits, when transported beyond said pickup and delivery limits under through rates</p> <p>Commodities weighing 100 pounds or less per package or piece when delivered from retail stores or retail store warehouses, or when returned to the original stores or retail store warehouses via the carrier which handled the outbound movement</p> <p>Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol</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 provided 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 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 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 style="text-align: center;">*Δ52</p>
<p>(1) Tariff provisions transferred from First Revised Page 16 and Twelfth Revised Page 17.</p> <p>* Addition ) Δ Change in format only ) Decision No. <b>81380</b></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;">MIXED SHIPMENTS (Items 220 and 221)</p> <p style="text-align: center;">(Exception to Section 2 of Item 640 and Sections 1, 2, 3 and 4 of Item 645 of the Governing Classification)</p> <p>61. 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)</p> <p>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 portions 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).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">(Continued in Item 221)</p>	6220
<p>6 Change        ) Decision No.   <b>81380</b> * Addition     )</p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>	

Correction

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">MIXED SHIPMENTS (Concluded) (Items 220 and 221)</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 shipping document on which are shown separately (1) for the intrastate portion and each component part hereof, and (2) for the interstate portion and each component part thereof, the name of each shipper and consignee, each point of origin and 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 Item 31 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>	221
<div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px;">         Change )          + Addition )          o Increase )          o Reduction )       </div> <div>         Decision No. <span style="font-size: 1.2em; font-weight: bold;">81380</span> </div> </div>	
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<div style="display: flex; justify-content: space-between;"> <span>Correction</span> <span>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</span> </div>	