

ORIGINAL

Decision No. 81630

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Investigation)	Case No. 7857
for the purpose of considering and)	(Petition for Modification
determining revisions in or reissues)	No. 77)
of Minimum Rate Tariff No. 14-A.)	(Filed May 24, 1973)

OPINION AND ORDER

Minimum Rate Tariff 14-A (MRT 14-A) names minimum rates and rules for the statewide transportation by highway carriers of agricultural commodities, in bulk, including animal or poultry feed. By this petition, California Trucking Association seeks to have MRT 14-A amended so that the feed rates named therein on hulls would also apply to the transportation of hulls when used as bedding or litter.

Petitioner states that cottonseed hulls, sunflower seed hulls and hulls, NOI, whole or ground, are by-products typically used as feed or feed ingredients but that it has become increasingly popular to use these hulls as animal bedding or litter. Petitioner declares that, in some instances, the hulls are transported, dumped or unloaded for storage and then later removed from the same source (pile) for feed or bedding or litter depending upon need.

Petitioner alleges that the application of the rates in MRT 14-A for the transportation of hulls, when used for purposes other than as a feed or feed ingredient, has raised questions of uncertainty with respect to the propriety of such tariff application.

Petitioner avers that the identical commodity is involved and, since it is often transported between the same points for various uses, the existing feed rates should be made applicable when hulls are transported for use as bedding or litter. Petitioner asserts that the proposed amendment of MRT 14-A would promote uniformity of rate application in the circumstances described and would serve to retain future movements in for-hire carriage.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about May 23, 1973. The petition was listed on the Commission's Daily Calendar of May 25, 1973. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff 14-A (Appendix A to Decision No. 67397, as amended) is further amended by incorporating therein, to become effective August 16, 1973, Seventh Revised Page 31-B, 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. 67397, 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 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.

5. In all other respects, Decision No. 67397, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 17th day of July, 1973.

Vernon L. Sturgeon
President
J. P. Vukobratovic Jr.
Alvin Miller
Commissioners

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

SECTION 5--DISTANCE COMMODITY RATES (Continued)	ITEM
<p>(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, except as to packing requirements and form in which the commodity is shipped.)</p> <p>LIST 3--FEED, ANIMAL OR POULTRY, subject to Note 1</p> <p>Feed, as described in Items 66700 through 67480 and 67520 through 67882 ("Feed Group") of the Governing Classification, other than liquid, not frozen</p> <p>Alfalfa, chopped and pressed into cubes or pellets, air-dry or otherwise dried</p> <p>Feed, animal or poultry, consisting entirely of Grain or Grain Products named in List 1 or 2 of Item 513, when not fit for human consumption.</p> <p>Grit, processed from rock or shell</p> <p>•Hulls, cottonseed (54410), see Note 3</p> <p>•Hulls, sunflower seed (179980), see Note 3</p> <p>•Hulls, NOI, whole or ground, see Note 3</p> <p>Hulls or Shells, cocoa bean, ground or not ground</p> <p>Limestone, crushed or ground, feed grade</p> <p>Meal, feather</p> <p>Mineral Mixtures, (see Note 2)</p> <p>Nut hulls or shells, NOI (175460)</p> <p>Pomace (194220, 194240, 194540, 194620, 194880, and 194900)</p> <p>Pomace, NOI</p> <p>Δ Shell Marl, crushed, ground, or powdered (unless otherwise exempt under the provisions of Item 40).</p> <p>Urea (47220)</p> <p>NOTE 1.--Provisions making reference hereto will not apply on any commodity for which rates are named in Section 3.</p> <p>NOTE 2.--Includes Mineral Mixtures containing Calcium Carbonate, Copperas, Epsom Salts, Crude Salt (feed grade), Sulphate of Soda, Glauber's Salts, Sulphur or Potassium Iodide, with or without not in excess of 10% by weight of other unnamed ingredients.</p> <p>*NOTE 3.--Rates will also apply when commodities making reference hereto are used for animal or poultry bedding or litter.</p>	<p>520</p>
<p>• Change Δ Change, neither increase nor reduction * Addition</p>	<p>Decision No. 81600</p>
EFFECTIVE	
Correction	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>