

ORIGINAL

Decision No. 81855

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 2).

Case No. 5432
Order Setting Hearing 753
(Filed May 30, 1973)
and
Petition for Modification
No. 760
(Filed July 9, 1973)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) contains minimum class and commodity rates which govern the highway transportation of general commodities within California. Except as otherwise specifically provided in MRT 2, the class rates named in the tariff are subject to the class ratings and rules set forth in National Motor Freight Classification A-13 (NMFC A-13). Item 318 of MRT 2 contains provisions which are exceptions to those named in the governing classification for the transportation of certain reinforced concrete products as described in Items 32020 and 32690 of NMFC A-13. These exception ratings are scheduled to expire with September 30, 1973.

OSH 753 states that the Commission's Transportation Division has distributed proposed cost and rate exhibits to interested parties, recommending amendment of Item 318 of MRT 2 to incorporate therein revised rates and rules for the transportation of certain concrete articles, and ordered that a public hearing be held in that proceeding for the receipt of evidence relative to the staff proposal.

Petition 760, jointly filed by California Trucking Association and Prestressed Concrete Manufacturers Association of California, Inc., states that after review and consideration of the staff studies prepared for presentation in OSH 753, the affected shippers and carriers of prestressed concrete commodities have developed an alternative to the staff proposals which petitioners seek to have adopted in lieu thereof.

The background for the development of the industry proposal is stated as follows in the petition: Recently the Commission distributed proposed cost and rate exhibits reflecting results of such studies. Following receipt of such proposed exhibits, shipper and carrier representatives have again met to consider the cost study and the rate proposals and to evaluate each in light of industry needs and experience. Such considerations would not have been possible without the Commission staff's study and it has been a significant aid to affected parties in their evaluations. The staff's proposals were in two alternative forms - a commodity rate proposal and a proposal based upon use of exception ratings. Early in the joint discussions, shippers and carriers determined that in their view exception ratings best met their own needs, due in large measure to the historical use of such provisions coupled with a familiarity and workability not associated with commodity rates. Additionally, in considering specifics of the staff proposal concerning exception ratings, it was the opinion of shippers and carriers that while many features of the suggested item have merit and should be part of any final item adopted by the Commission, certain other aspects require a different evaluation because of peculiar transportation and marketing conditions, the historical relationship of present and proposed ratings to a rail tariff, new and unusual product development and the relatively high incidence of variable factors in transporting specialized commodities of the type at issue.

Petition 760 further states that petitioners believe that the provisions proposed therein favorably reflect the product of Commission staff effort coupled with the experience and intimate knowledge of the producers and transporters of such commodities; that just and reasonable rates, rules, and regulations will result from the adoption thereof; and that such results are responsive to and in the best interests of affected parties. The petition asserts that the Commission has often recognized the desirability of such processes when the results are sought by, and in the interest of, shippers and carriers; and in such circumstances, including these, petitioners believe that ex parte handling may properly be accorded by the Commission.

The Commission staff has reviewed the proposal set forth in Petition 760 and has no objection to the incorporation of that proposal in MRT 2 by ex parte order as a reasonable alternative to those set forth in the staff exhibit.

In the circumstances, the Commission finds:

1. The staff exhibit distributed to interested parties on May 15, 1973, should be received in evidence as Exhibit 753-1 in OSH 753.
2. Petitioners' proposal set forth in Exhibit A to Petition 760 is reasonable; increases resulting from the adoption of said proposal are justified; and the resulting minimum rates and charges will be just, reasonable, and nondiscriminatory minimum rates and charges for the transportation involved.
3. Common carriers should be authorized and directed to establish in their respective tariffs all of the modifications prescribed by the order which follows; and that common carriers should be authorized to depart from Article XII, Section 21, of the Constitution of the State of California and Section 460 of the Public Utilities Code to the extent necessary to effect such modifications.

4. A public hearing is not necessary.

The Commission concludes that MRT 2 should be amended as provided by the order which follows, and that the amendment should become effective September 30, 1973.

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 September 30, 1973, Tenth Revised Page 9-A and Fifteenth Revised Page 30-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. 31606, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.

3. Tariff publications required to be made by common carriers as a result of this order 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 on not less than one day's notice to the Commission and to the public and such tariff publications shall be made effective not later than September 30, 1973. ✓

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. 31606, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 12th day of SEPTEMBER, 1973.

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

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

INDEX OF COMMODITIES (Continued)

Only those articles which are named in commodity rate items or in Exceptions to the Governing Classification and Exception Ratings Tariff are shown in the following list.

COMMODITY	ITEM	COMMODITY	ITEM
Tea	360	Vegetable Oil Shortening	335.5
Tea, extract of (condensed or instant), dry	360	Vegetables (not dehydrated, dried, evaporated nor fresh)	320-1
Ties, railroad	690,710	Veneering	690,700,710
**	**	Vermicelli, except canned	360
Timbers	690,700,710	Vermicelli (prepared)	320
Tire Tubes (M)	377.5,723-726	Vermicelli, dry, and other ingredients	345,360
Tires, Pneumatic (M)	377.5,723-726	Vermouth	400
Toilet Preparations and other Articles (M)	395-397	Vinegar	320-1
Tools, Mechanics' (M)	365	Washing Powders	730-732
Towers, Water Cooling, Atmospheric (M)	365	Washing Soda	730-732
6 Triglycerides of Fat-forming Fatty Acids	335.5	Wax, automobile, boat, floor or furniture (M)	377.5,723-726
Trisodium Phosphate	730-732	Wax, boat, floor, furniture or vehicle	730-732
Trucks, Steam Boiler (M)	365	Wax, Laundry Compound	360
Tubes, Boiler	365	Welsh Rarebit	320-1
Tubing, iron or steel, cast or wrought, plate or sheet	365	Wheat Germ	652-654
Tubing, iron or steel, well casing or drilling	365	Whey	345
Tubs, Woodenware	758	Wine	*360, 400
Urea	652-654	Wine, cooking	320-1
Valves, iron or brass (M)	365	Wood Preservatives (M)	377.5,723-726
Valves, Pump Working Barrel	365	Wool, Steel	410
Vaults, Grave	334.8		
Vaults, Utility	334.8	Yeast or Yeast Powder	360

(M) Denotes articles on which application of rates is limited to mixed shipments.

6 Change)
* Addition) Decision No.
** Eliminated)

81855

EFFECTIVE

Correction

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)		
(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.)		
	CLASS RATING (Subject to Notes 1 thru 4, except as noted)	
	COLUMN 1	COLUMN 2
REINFORCED CONCRETE ARTICLES:		
<u>SECTION 1:</u>		
Beams, Channels, Columns, Girders or Joists (32020):		
(a) When shipment is transported on a single flat bed (not including low bed) trailer not exceeding 40 feet in length (see Note 5)-----	o 35.2	o 35.1
(b) When shipment is not transported as described in paragraph (a)-----	35(1)	37½(1)
<u>SECTION 2:</u>		
Piling (32020)-----		
	35.4	35.3
<u>SECTION 3:</u>		
o Slabs, building or roofing, without glass insertions or corkboard, fibreboard or plasterboard insulation (32690, Sub 3)		o 318
(a) Plain type, not in relief, shipped flat-----	35.4	35.3
(b) Architectural type, including relief type slabs, plain, stone-faced or rock-embedded -----	o 35.1	o 35(1)
Column 1 ratings do not apply to permit shipments. Column 2 ratings apply to permit shipments.		
NOTE 1.--Minimum weight 42,000 pounds		
NOTE 2.--Applies only in connection with shipments released to one-half actual value or 50 cents per pound, per article, whichever is less. Shipper must enter the following statement on the bill of lading: "The agreed or declared value of the property is hereby specifically stated by the shipper to be one-half of actual value or 50c per pound, per article, whichever is less." If shipper fails or declines to declare such value in writing, the provisions of this item will not apply.		
NOTE 3.--If more than one unit of carrier's equipment is used for the transportation of a single shipment, each such unit of carrier's equipment shall be subject to the highest minimum weight applicable to any rate used in computing charges.		
NOTE 4.--Not subject to provisions of Items 292, 293, 293.1 or 293.2.		
NOTE 5.--Provisions making reference hereto will not apply if so-called stretch trailers, dollies or any other trailing or load-bearing equipment is utilized in the transportation of the shipment.		
(1) Not subject to the provisions of Note 2.		
o Change) o Increase) Decision No. 81855 o Reduction)		
EFFECTIVE SEPTEMBER 30, 1973		
Correction		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		