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ORIGINAL

Decision No. 82215

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).

Case No. 5432  
Petition for Modification  
No. 777  
(Filed November 21, 1973)

O P I N I O N

Petitioner Foremost Foods Company, a division of Foremost-McKesson, Inc., seeks the cancellation of the expiration date of January 1, 1974 applicable to the exception ratings on Dairy Products and Related Articles set forth in Items 335.6 and 335.7 of Minimum Rate Tariff 2.

The petition states that the expiration date was originally established in Decision No. 80771 dated December 5, 1972 in Case No. 5432 (Petition No. 685) in order to provide an opportunity for carriers and shippers to gain experience with the reduced ratings and related provisions authorized by that decision before the provisions are established on a permanent basis. The petition alleges that petitioner and Challenge Foods Co. have used the ratings and desire that the ratings remain in effect. The petition also asserts that it is petitioner's belief that the exception ratings have been mutually beneficial to carriers and shippers, and that the carriers performing transportation under the exception ratings also desire that the provisions remain in effect.

The petition shows that it was served on known interested parties. Notice of the filing of the petition also appeared on the Commission's Daily Calendar. The petition states that the petitioner was informed by California Trucking Association and by California Manufacturers Association that those organizations have no objection to the granting of the petition by ex parte order. There are no protests or requests for hearing.

In the circumstances the Commission finds that the granting of the petition will result in just, reasonable, and nondiscriminatory ratings and related provisions to apply in connection with the minimum rates set forth in Minimum Rate Tariff 2. A public hearing is not necessary. Inasmuch as the exception rating provisions in issue are scheduled to expire on January 1, 1974 this order will be made effective on the date hereof.

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 January 1, 1974, Second Revised Page 37-AAAA and Second Revised Page 37-AAAAA, attached hereto and made a part hereof.

2. Tariff publications resulting in increases authorized to be made by common carriers as a result of the order herein 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; such authority herein granted shall expire unless exercised within sixty days after the effective date of this order; and tariff publications resulting in reductions may be made effective not earlier than the first day after the effective date of this order, and may be made effective on not less than one day's 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 by this order, are 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.


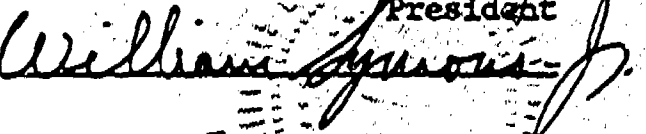
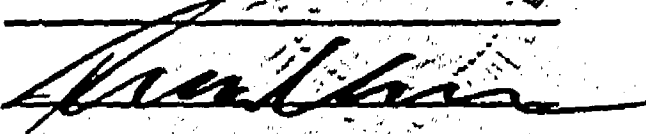

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 4th  
day of DECEMBER, 1973.

I abstain  
Vernon L. Sturgeon Commissioner

I abstain

J. H. Harin, Commissioner

  
President  
  
Commissioners  
  
  
Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM										
<p>EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)</p> <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.)</p>	<p>Class Rating</p>										
<p>DAIRY PRODUCTS AND RELATED ARTICLES (Subject to Note 1) viz.: (Items 335.6 and 335.7)</p> <p>Cheese (55470) (Subject to Note 2); Eggs (55540); Ice Cream (55620), including Ice Cream Mix, Ice Milk, Water Ice and Sherbet; Milk or Cream, NOI (55660), Egg Nog, Sour Cream or Yogurt, with or without flavoring, fruit or vegetables.</p> <p>NOTE 1.--In addition to packing or packaging specified in the Governing Classification, commodities named in this item may be shipped in containers in fibre trays; in bulk in inner plastic bags in boxes or drums; in containers in bottle carriers; or in wheeled racks.</p> <p>NOTE 2.--Provisions making reference hereto apply only in connection with shipments of the following: Cheese, viz.: Bakers Curd or Cottage Cheese, with or without flavoring, fruit or vegetables, creamed or other than creamed.</p> <p>Truckload: (Subject to Notes 3 through 11)</p> <table border="0"> <tr> <td>Minimum Weight 20,000 pounds-----</td> <td>50.1</td> </tr> <tr> <td>Minimum Weight 30,000 pounds-----</td> <td>35</td> </tr> <tr> <td>Minimum Weight 36,000 pounds-----</td> <td>35.1</td> </tr> <tr> <td>Minimum Weight 42,000 pounds-----</td> <td>35.2</td> </tr> <tr> <td>Minimum Weight 45,000 pounds-----</td> <td>35.3</td> </tr> </table> <p>NOTE 3.--Provisions of this item apply only when all provisions of the following notes are met. Otherwise, apply provisions of the Governing Classification, Exception Ratings Tariff or this tariff, as applicable.</p> <p>NOTE 4.--Rates resulting from application of the provisions of this item may not be used in combination with any other rates, except as provided in Note 11.</p> <p>NOTE 5.--Applies only in connection with prepaid shipments released or declared at a value of 6 cents per pound, per article. Shipper must enter the following statement on the bill of lading: "The agreed or declared value of the property is hereby stated by the shipper to be 6 cents per pound, per article."</p> <p>NOTE 6.--Provisions of this item will not apply if any portion of the shipment is provided Frozen Temperature Control Service.</p> <p>NOTE 7.--An allowance of one hour free time for loading and one hour free time for unloading shall be made for each unit of equipment used. Excess loading or unloading time shall be charged for at the rates named in Item 145 of this tariff. Time shall be computed from actual or shipper-designated time of arrival of carrier's equipment at place of loading or unloading, whichever is later, until loading or unloading is completed and equipment is released.</p> <p>NOTE 8.--The free weight of pallets containing commodities transported under provisions of this item is limited to 5 percent of the weight on which transportation charges are computed.</p> <p>NOTE 9.--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>(Continued in Item 335.7)</p>	Minimum Weight 20,000 pounds-----	50.1	Minimum Weight 30,000 pounds-----	35	Minimum Weight 36,000 pounds-----	35.1	Minimum Weight 42,000 pounds-----	35.2	Minimum Weight 45,000 pounds-----	35.3	<p># 6 335.6</p>
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<p># Change o Reduction } Decision No 82215</p>											
EFFECTIVE JANUARY 1, 1974											
<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
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
<p>DAIRY PRODUCTS AND RELATED ARTICLES (Subject to Note 1) viz.: (Items 335.6 and 335.7)</p> <p>NOTE 10.--Except to the extent provided in Items 40 through 42 of this tariff, ratings named in Item 335.6 apply only in connection with straight or mixed shipments of commodities named above or mixed shipments consisting of commodities named above and commodities named in this note or allowed to be transported under provisions of Note 11. When transported in mixed shipments with commodities authorized under this note or Note 11, the entire shipment shall be subject to the provisions of this item and Item 335.6 and the weight of the commodities named in this note may not exceed 20 percent of the weight on which transportation charges are computed:</p> <p>Bakery Goods, NOI, other than frozen (21180);          Bean Dip (72050), including Food Dips, NOI              with or without flavoring or seasoning              ingredients;          Beverage Preparations, dry or liquid (72140);          Beverages, flavored, NOI (72160), not including              carbonated or phosphated beverages and not              including beverages in metal cans;          Cheese (55470);          Cider or Apple Juice, other than frozen (72440);          Cream or Milk, sterilized (72740);          Juice, citrus fruit, other than frozen, NOI (73550);          Juice, citrus fruit (73570);          Juice, fruit, artificial or natural, other than              frozen (73600);          Juice, grape, other than frozen (73630);          Juice, prune, other than frozen (73670);          Malt or Milk and Chocolate or Cocoa Compounds,              beverage preparation (73790);          Milk, Cream, Buttermilk or Dry Milk Solids,              powdered or flaked (73880);          Milk, condensed or evaporated, liquid (73920);          Milk, Cream or Vegetable Oil Compounds (Dessert              Toppings), aerated (74000);          Milk Food, liquid (74020);          Milk or Cream Substitutes, other than Milk, cream              or milk solids, NOI (74040);          Salads, fresh vegetable, fruit, macaroni, meat,              gelatin, or combinations thereof;          Sandwich Spreads, NOI including Cheese Spreads              (74680);          Sauces, viz.: Mayonnaise (74710);          Syrup, flavoring or fruit (75170).</p> <p>NOTE 11.--Other commodities not named in this item or in Item 335.6 may be included in mixed shipments provided that the weight of such other commodities does not exceed 3 percent of the weight on which transportation charges are computed. Such other commodities will be subject to rates otherwise provided in this tariff and the entire shipment will be subject to the provisions of Notes 3 through 11 hereof.</p>		<p>See Item 335.6</p> <p>8 6 335.7</p>
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