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Decision No. 82233

ORIGINAL

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. 749  
(Filed May 15, 1973; amended  
September 26, 1973)

O P I N I O N

H. S. Crocker Co., Inc., petitioner, is in the business of manufacturing, processing, and distributing various commodities, including paper labels and boxes. The latter products are shipped by petitioner between various points in California.

The transportation of petitioner's label and box products is subject to the Commission's statewide minimum rates and regulations named in Minimum Rate Tariff 2 (MRT 2). The tariff provides distance class rate scales applicable to general commodities for which specific class ratings are named in the governing National Motor Freight Classification A-13 (NMFC A-13). Item 153500, Sub 2 of NMFC A-13 presently names a truckload rating of Class 35, minimum weight 36,000 pounds for:

"Labels, NOI, cut or not cut,...plain,  
printed, or lithographed, in packages."

C. 5432, Pet. 749 af

Item 29280 of the classification presently names truckload ratings of 100, 70, 55, and 35 for minimum weights of 10,000, 15,000, 20,000, and 36,000 pounds, respectively, for:

"Boxes, fibreboard, paper, paperboard  
or pulpboard, NOI, other than corrugated."

By this petition, as amended, petitioner requests that an exception rating of Class 50.1, minimum weight 30,000 pounds, be established in MRT 2 for the described products subject to the conditions that loading and unloading must be performed by the consignor and consignee with power equipment without expense to the carrier, and physical assistance by the driver is restricted to work within the carrier's equipment and does not include stacking and like services; that the minimum weight applies to each unit of carrier equipment used to transport a shipment; and that an allowance of one hour free time shall be allowed for loading and the provisions of Item 142 of the tariff shall be used for determining the time allowed for unloading.

The petition states as follows: The transportation characteristics of the commodities in issue are extremely favorable; there will be no problem loading 30,000 pounds on a single unit of equipment; the conditions that would apply in connection with the proposed rate would promote more efficient utilization of carrier equipment and result in economies and reduced transportation costs for carriers; the proposed rate and conditions were developed in conjunction with carriers presently engaged in the transportation of the commodities in issue; if the proposal is granted, it will prevent any erosion of the traffic to proprietary hauling and will in fact stimulate additional transportation for for-hire carriers; and the proposed rate is fair and reasonable to all concerned.

The petition and amendment were listed on the Commission's Daily Calendars of May 16 and September 28, 1973, respectively. A protest was filed by Fibreboard Corporation. However, it advised the Commission by telephone on October 4, 1973 that it had no objection to the petition, as amended, and that its protest was withdrawn. The California Trucking Association has also informed the Commission by letter dated October 1, 1973 that it has no objection to the petition, as amended. No protest to the granting of the petition, as amended, has been received.

In the circumstances, the Commission finds that the establishment of the proposed exception rating for the labels and boxes is reasonable and that the resulting rates will be just, reasonable, and nondiscriminatory minimum rates for the transportation involved. A public hearing is not necessary. The Commission concludes that Petition for Modification No. 749 in Case No. 5432 should be granted.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is hereby further amended by incorporating therein to become effective January 11, 1974, Forty-second Revised Page 4, Forty-fourth Revised Page 6, and Original Page 37-CCCC, 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 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 fifth day after the effective date of this order, and may be made effective on not less than five 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.

4. 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.

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 twenty days after the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup> day of DECEMBER, 1973.

Vernon L. Spurgeon  
President  
William J. Spurgeon  
William J. Spurgeon  
William J. Spurgeon  
William J. Spurgeon  
Commissioners

## INDEX OF COMMODITIES

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
Acid, Boracic	730-732	Beverage Containers	330
Air Compressors (M)	365	Beverage Preparations	335.7, 360
Ale	310, 360	Beverages	316, 360
Alfalfa, chopped and pressed, dried	652-654	Beverages, flavored (M)	335.7
Ammonia, cleaning	730-732	Beverages, Malt or Cereal	310
Animal Feed	338, 620, 630	Bits, Drilling	365
Anvils (M)	365	Bleach, Laundry	730-732
Apples, dried	350	Blocks, building	334.8
Arms, Cross, wooden	690, 691, 710	Bluing, Laundry (M)	360
Articles, concrete or tile	318	Boards	690, 710
Articles, iron or steel	760, 764, 765	Boiler Flues	365
Articles, paper	770	Boiler Parts (M)	365
Asphalt, Liquid	377.5, 723-726	Boilers (M)	365
Asphalt, Solid	303	Boiler Tubes	365
Atmospheric Water Cooling Towers (M)	365	Books, School Textbooks	317
		Borax	730-732
		Boxes, Planter	758
Bakery Goods	335.7, 360	*Boxes, fibreboard, paper, paperboard or pulpboard	363, 770
Bananas, powdered	350	Brandy	360
Barrels, Pump Working	365	Breads	320
Bars, Gate	365	Brick, Fire (M)	365
Batteries, electric (M)	377.5, 723-726	Brine	320
Beams	318	Broths	320
Bean Dip (M)	335.7	Butter	335.5
Beans, Castor	652-654	Butter, Fruit	320
Beans and Pork	320-1	Butter, Peanut	320-1
Beers	310, 360	Buttermilk	320, 345
Belts (M)	365		

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

\* Addition, Decision No.

EFFECTIVE

Correction

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

MINIMUM RATE TARIFF 2

## 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
Figs, powdered	350	Gelatine	360
Fire Brick(M)	365	Generators, Electric(M)	365
Fire Clay(M)	365	Germs, wheat	652-654h
Fish (animal feed)	338	Girders	318
Fish, cooked, pickled or preserved	320, 345	Glucose	360
Fish, fresh, frozen	775	Grain as described under the heading of "Grain Group" in the Governing Classification	652-654h
Fish, other than fresh or frozen	360	Grain Products as described under the heading "Grain Products" in the Governing Classification	652-654h
Fish Roe	320	Grate Bars	365
Fittings, Pipe, Iron or Steel	365, 378	Grit, processed from rock or shell	652-654h
Flavoring Compounds	360	Groceries and Grocers' Supplies	360
Flour, Bean	652-654h	Gum, Chewing	360
Flour, cooked	339	Hominy	320-1
Flour, edible	360	Honey	320, 360
Flour, gelatinized	339	Horseradish	360
Flour, Grain	339	Horseradish, prepared	320-1
Flour, Potato	339, 652-654h	Hulls, cocoa bean	652-654h
Flour, prepared, edible	339, 652-654h	Hulls, cottonseed	652-654h
Flour, Rice	339, 652-654h	Hulls, Nut	652-654h
Flour, Soybean	339	Hulls, sunflower	652-654h
Flour, Tapioca	652-654h	Hulls, whole or ground	652-654h
Flues, Boiler	365	Ice	660
Fondant, Candy	360	Ice Cream	335.6
Food, Baby	320	Icings	360
Food, Cereal	360	Ingredients, Soup (Soup Mix) dry	360.5
Food, Milk, other than malted, liquid	320	Insecticides(M)	377.5, 723-726
Food, prepared	360	Iron, plate or sheet(M)	365
Food Preparations, Cereal(M)	360	Jam	320
Foodstuffs for human consumption	345, 620, 630	Jelly	320
Fruit (not dried, evaporated nor fresh)	320	Joints, Sucker Rod	365
Fruit, candied, crystallized, glazed or stuffed	360	Joists	318
Fruit, crushed	320	Juice, Apple(M)	335.7
Fruits, dried or evaporated	350	Juice, citrus fruit(M)	335.7
Fruit Drink	320	Juice, Clam	320
Fruit Juice Powders or Crystals, Citrus	360	Juice, Fruit	320, 335.7
Fruit Peel, candied, crystallized, glazed or stuffed	360	Juice, grape(M)	335.7
Fruit Syrups	360	Juice, prune(M)	335.7
Fuel, Wood	729	*Labels	363
Gardening or Landscaping Products	370	Lard	335.5
Garlic Chips	320	Lard Compounds	335.5
Garlic Powder	320	Lard Substitutes	335.5
Gas, petroleum liquefied	377.5, 723-726		
Gears, running, steam boiler(M)	365		

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

\* Addition, Decision No. **82233**

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">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>Boxes, fibreboard, paper, paperboard or pulpboard. NOI other than corrugated (29280)</p> <p>Labels, NOI cut or not cut, plain, printed or lithographed, in packages (153500, Sub. 2)</p> <p>Truckload (Subject to Notes 1 through 4):</p> <p style="padding-left: 40px;">Minimum Weight 30,000 pounds-----</p> <p>NOTE 1.--Applies only when all provisions of the following notes are met. Otherwise, other provisions of the Governing Classification or of this tariff shall apply.</p> <p>NOTE 2.--Shipments must be loaded by consignor and unloaded by consignee with power equipment, furnished and used without expense to the carrier. In such circumstances, physical assistance of the carrier employee is restricted to work within or on carrier's equipment and does not include sorting, stacking, unstacking, removal or placement of merchandise on pallets.</p> <p>NOTE 3.--If more than one unit of carrier's equipment is used for the transportation of a single shipment moving under rates in this item, each such unit of carrier's equipment shall be subject to the minimum weight named in this item.</p> <p>NOTE 4.--An allowance of one hour free time for loading shall be allowed for each unit of carrier's equipment used. Provisions of Item 142 herein shall apply in determining the allowed time for unloading. In each case, time shall be computed from the time of arrival of carrier's equipment at place of loading or unloading until loading or unloading is completed and carrier's equipment is released. Excess loading or unloading time shall be charged for at the rates named in Item 145 herein.</p>	<p style="text-align: center;">Class Rating</p> <p style="text-align: center;">50.1</p> <p style="text-align: center;">*00 363</p>
<p>* Addition     )          ◊ Increase    ) Decision No. 82233          ◊ Reduction   )</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>	