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ORIGINAL

Decision No. 82320

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).

And Related Matter.

Case No. 5432
Petition for Modification
No. 691
(Filed March 6, 1972)

Case No. 7858
Petition for Modification
No. 133
(Filed March 6, 1972)

(For Appearances see Decision No. 80495)

Additional Appearances

Center for Law in the Public Interest,
by John R. Phillips, Attorney at Law,
for Planning and Conservation League;
and Rick Ohrazda, for Foremost
McKesson, Inc.; interested parties.

OPINION ON REHEARING

In this proceeding California Manufacturers Association (CMA) seeks to cancel the expiration date in connection with certain exception ratings and provisions applicable to empty returning carriers (containers) set forth in Minimum Rate Tariff 2 (MRT 2) and Exception Ratings Tariff 1 (ERT 1), so that those ratings and provisions will apply on a permanent basis.

C. 5432, Pet. 691, C. 7858, Pet. 133 ek

Decision No. 80495 dated October 28, 1972 denied the CMA petitions and permitted the exception ratings in question to expire except on so-called can-packs. In the absence of the exception ratings, the higher classification ratings in National Motor Freight Classification A-13 became applicable. Decision No. 81163 dated March 20, 1973 granted limited rehearing of Decision No. 80495 for the sole purpose of receiving additional evidence and/or argument relative to the environmental consequences which would result from an order allowing the exception ratings involved in this proceeding to expire.

Rehearing, limited as indicated above, was held before Examiner Mallory at San Francisco on May 16, 1973. The matter was submitted upon the filing of closing briefs on July 16, 1973.^{1/} Evidence was presented on behalf of CMA by the Director of CMA's Department of Environmental Quality and Department of Fuel and Utilities.

Request for EIR

The presiding examiner denied a motion made by the Planning and Conservation League (PCL) that the proceeding be suspended until the Commission staff prepares an environmental impact report on the issues raised in this proceeding. On May 22, 1973, PCL filed a pleading entitled "Appeal to the Full Commission to Overrule the Examiner's Ruling From the Bench Denying Petitioner's Motion to Compel the Commission to Prepare an Environmental Impact Report Before Permitting the Exception Ratings for Shipment of Empty Carriers Returning to Expire". On June 8, 1973, California Trucking Association (CTA) filed a reply to PCL's pleading.

^{1/} Opening briefs and closing briefs were filed by CMA, CTA, and the Commission staff. PG&E filed an opening brief.

The guidelines for the issuance of an environmental impact report (EIR) pursuant to the requirements of the California Environmental Quality Act of 1970 (CEQA) are set forth in Rule 17.1 of the Commission's Rules of Practice and Procedure. The guidelines were adopted April 3, 1973 in Decision No. 81237 in Case No. 9452. That decision concluded that the policy provisions of CEQA apply to rate proceedings but the EIR provisions do not. That decision states: "The Commission will consider potential environmental impact in rate matters. When such issues are brought to light by the staff or other parties, appropriate findings will be made thereon." Decision No. 81484 dated June 19, 1973 in Case No. 9452 provided additional rationale as to why EIR's should not be required in rate proceedings. For the reasons stated in Decisions Nos. 81237 and 81484, PCL's appeal of the examiner's ruling denying the request for an EIR will be denied. (Compare Southern California Edison Company, Decision No. 81919 dated September 25, 1973 at mimeographed page 97.)

Pertinent CEQA Provisions

The witness for CMA testified that he had researched the environmental background relative to the matters involved herein. He stated the provisions of CEQA pertinent herein are set forth in subparagraphs (f) and (g) of paragraph 21000 and subparagraph (g) of paragraph 21001, which reads as follows:

"CHAPTER 1. POLICY

"21000. The Legislature finds and declares as follows:

* * *

- "(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

"(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage.

* * *

"21001. The Legislature further finds and declares that it is the policy of the state to:

* * *

"(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment."

CMA's Analysis of Environmental Impact

The witness testified that his analysis, hereinafter detailed, was based on the assumption that the highway carrier transporting empty returning containers did not have to make a special pickup of the containers, but assumed that the returning containers would be loaded for return movement at the conclusion of the unloading of an outbound load of a similar type of filled containers. The witness stated that if the exception ratings on empty returning containers are retained, CMA would have no objection to limiting their application in the manner just described.

The witness also prefaced his testimony by stating that questions of possible environmental impact cover a very broad spectrum, and that his analysis did not attempt to cover all areas of possible environmental impact, but was limited to those factors directly affecting the rates for the movement of empty reusable containers.

The witness used two measures of environmental impact; the first was the materials used in the construction of the container, and the second was the amount of energy required in the manufacture of the container. The witness concluded that if the type of material used is an irreplaceable resource, the material has more environmental impact than if it is not. Energy is a scarce national resource; therefore, the more energy used, the greater the environmental impact.^{2/}

The witness selected three kinds of containers for analysis in his Exhibit 691-8: Steel drums used in petroleum products distribution, glass bottles, and industrial gas containers (tanks).^{3/} The witness testified that, depending on the gauge of the metal used, steel drums have an estimated usage of 3 to 8 reuses, thus, the steel used ranges from 6.25 to 13.3 pounds per trip. The witness stated that one pound of steel requires the equivalent of 6.3 kilowatt-hours (thermal) of energy to produce. The use of returnable steel drums was compared with a non-returnable drum made of light-gauge metal. This drum weighed 27 pounds. The witness thus determined that use of returnable steel drums would have a lesser impact on the environment than nonreturnable steel drums for two reasons; less iron ore, a nonreplaceable natural resource, would be used, and less energy, a scarce natural resource, would be required to produce the material used in the drum.

^{2/} For the purpose of his analysis, the witness used as the unit of measurement of energy the kilowatt-hour (thermal) which approximates 3,413 BTU's per hour.

^{3/} The witness also analyzed can packs which were removed from this proceeding through the filing of Petition No. 746 in Case No. 5432.

The witness stated that glass bottles do not use up a nonreplaceable natural resource, as silica is an ubiquitous commodity. However, returnable bottles (8 uses) require only about a third of the energy per use or trip as compared to one-way (nonreturnable) bottles.

All steel industrial gas containers currently are returnable, and are utilized an estimated average of 50 reuses. Inasmuch as there are no one-way industrial gas containers, the witness assumed the development of a nonreturnable aluminum container. The witness showed that construction of a five-cubic foot steel container would require about 5.35 kilowatt-hours (thermal) of energy per use, based on fifty reuses; whereas a similar aluminum container would require 620 kilowatt-hours (thermal) for a single use.

The witness summarized his testimony as follows:

With the assumption that the returning load is offered to the carrier at the time of delivery, it is possible to determine and analyze the environmental impact of the adjusted rate levels by conducting a simple analysis of the environmental impact of the energy and material demands of alternative reusable and one-way containers, utilizing criteria based upon the assumption that increased energy demands produce an adverse environmental impact, however generated, and that increased material demands have a similar effect. Material such as wood, and related products, derived from renewable resources, have a lesser environmental impact than materials from nonrenewable resources. The witness asserted that in the cases selected, as listed in Exhibit 691-8, the environmental impact of a reusable container was significantly less than that of the alternative one-way container.

CTA, PG&E, and the Commission staff presented no affirmative evidence. Their positions were stated in their post-hearing briefs filed herein.

Can Packs

Decision No. 80495 (to which limited hearing was granted) permitted the existing less-truckload exception rating of 50 percent of Class 55 on empty returning containers to expire, except with respect to can packs.^{4/} Decision No. 80495 concluded that a temporary exception rating of one-half of Class 55 on can packs should be continued for a reasonable period to provide opportunity for affected shippers and carriers to supply additional evidence to justify the level of a permanent exception rating on this commodity.

Subsequent to the issuance of the order granting rehearing of Decision No. 80495, CTA and Can Manufacturers Institute, Inc. jointly filed Petition No. 746 in Case No. 5432 seeking the establishment in MRT 2 of: (1) truckload commodity rates for the transportation of sheet steel or tin cans and aluminum, steel or tin can ends, (2) a less-truckload exception rating of 50 percent of Class 70 on secondhand pallets, returning or shipped for a return paying load, of the aforementioned cans or can ends (can packs), and (3) various truckload exception ratings on sheet steel cans.

^{4/} Decision No. 80495 describes can packs as a combination of packaging materials used to haul empty metal cans from can manufacturing plants to food and beverage processors. The pack consists of a wooden pallet, solid fibreboard separators, a plastic or fibreboard shroud (overwrap), and a fibreboard or wooden cap. The empty metal cans are transported outbound in closed vans equipped with gravity rollers, and the loaded pallets are positioned in the van by the driver. The loaded pallets are moved to and from the tailgate of the van with forklift equipment supplied by the consignor and consignee. The use of this type of packaging substantially reduces loading and unloading time of the outbound shipments.

At the hearing herein CMA and CTA stipulated that the filing of Petition No. 746 removed can packs from consideration in this proceeding, and none of the issues raised herein apply to can packs. Decision No. 81817 dated August 28, 1973 granted Petition No. 746 without hearing.

Position of the Parties

CMA, PG&E, and the Commission staff urged that the temporary less-truckload exception rating of 50 percent of Class 55 and other provisions relating to empty returnable containers be made permanent, subject to the proviso that the tariff be amended to provide that the returning load would be offered to the carrier at the time of delivery, for return to the point of origin.

It is the position of CMA and PG&E that the evidence presented by CMA demonstrates that the use of returnable containers has materially less impact on the environment than the use of disposable or one-way containers. CMA contended that the exception rating of 50 percent of Class 55 produces compensatory rates on returnable containers; however, no competent evidence was offered by CMA in support thereof. CMA also argued that the rates on empty carriers returning which are at issue in this proceeding were established in the Commission's minimum rate tariffs more than 30 years ago, and as such, have inhibited the development of one-way container alternatives, thus, benefiting the environment and also making it more difficult to determine the environmental impact in the event the rates are cancelled.

CTA argued that the testimony of the CMA witness indicates that shippers will reuse containers only when it is economically advantageous for them to do so; that shippers, not being governmentally constrained, will reuse containers only when it is to their advantage; and that highway carriers, being subject to governmental constraints, should not be required to create the advantage which will create shipper incentive to reuse containers.

It is the position of CTA that nowhere on this record did CMA state a shipper commitment to bear any part of the economic burden of preventing harm to the environment caused by cast-off containers; nor has CMA acknowledged a shipper responsibility to price individual products in a manner which specifically recovers costs connected with environmentally oriented conservation practices prudent for that product.

It is CTA's contention that highway carriers must foot the bill to protect the environment from cast-off containers which have been put into the stream of commerce by shippers, or in the alternative, all users of for-hire transportation must foot that bill by paying rates on all commodities high enough to subsidize return shipments of containers to the offending shippers.

Discussion

CEQA clearly provides that the environmental impact must be considered by this Commission as part of all matters presented to it in which there is any possibility that the environment may be materially affected as a result of Commission action, even though no EIR is required by CEQA.

The record in this proceeding clearly demonstrates that the use of certain types of returnable containers has less environmental impact, and thus is more favorable to the environment of California residents than the alternative, which is the use of one-way or nonreturnable containers.

The environmental impact of the use of returnable containers, however important, is only a single factor to be considered by the Commission in determining the reasonableness of the exception ratings on empty returnable containers. The other considerations are those recited in Decision No. 80495 and repeated, for clarity, in the margin.^{5/} The Commission must consider those factors which historically have been considered in establishing or maintaining exception ratings on intrastate traffic, in addition to the requirements imposed in CEQA, and must carefully weigh all such considerations in reaching its ultimate conclusion.

^{5/} Decision No. 80495 states as follows:

"The Commission, in Decision No. 74310, placed all parties on notice that the exception ratings here in issue were temporary in nature and that complete justification for their continuance must be provided, or said ratings would be allowed to expire.

"The justification required to support continuation of the temporary exception ratings is the same as that required to justify the establishment of new exception ratings. The Commission has stated in several decisions that to establish an exception rating it must be shown that the transportation characteristics or conditions in California intrastate traffic of the item in question are different than elsewhere, or that the characteristics are similar to many other articles presently enjoying the sought rating [Decision No. 65639 (61 Cal. P.U.C. 162) and Decision No. 67610 (63 Cal. P.U.C. 170).]

"The evidence introduced in support of the retention of the exception ratings in issue does not show the reasonableness of said ratings. Inasmuch as the less-truckload exception rating of one-half of Class 55 is substantially lower than any other less-truckload exception rating maintained in MRT 2 of ERT 1, it is incumbent upon proponents of the reduced exception rating to show by competent evidence that the sought exception ratings are reasonable. The only evidence which bears on this point is the cost-revenue comparison introduced by CTA, which provides a rebuttable presumption that the sought less-truckload exception rating is below a reasonable level because it fails, by a substantial margin, to provide revenues which cover the average costs of transporting general commodities."

As heretofore stated, the use of returnable containers has substantially less environmental impact than the use of one-way or nonreturnable containers. Shipper testimony shows that used empty containers will not be returned if the containers are required to bear rates based on the classification ratings that apply in the absence of the exception rating. However, the record does not show how low the exception rating must be to encourage the return of empty used containers. As stated in Decision No. 80495 the exception rating on used empty containers of 50 percent of Class 55 is substantially lower than any other less-truckload rating in MRT 2 and that rating may be confiscatory, and therefore unreasonably low, in that it produces revenues which may be substantially below carriers' out-of-pocket costs of providing the transportation service.

The reasonableness of the existing exception rating cannot be supported by comparison with other exception class ratings because there are no other commodities bearing similar ratings. On the other hand, carriers and shippers jointly proposed, and the Commission approved, a less-truckload exception rating of 50 percent of Class 70 on can packs. That rating is higher than the exception rating in issue here, but lower than any other less-truckload exception rating in MRT 2 or ERT 1.^{6/} Apparently the exception ratings of 50 percent of Class 70 on can pack is reasonably compensatory, having been proposed by the carriers involved in that transportation.

^{6/} The next lowest less-truckload exception rating is Class 50.1 applicable to canned goods and related commodities. Class 50.1 is 90 percent of Class 55.

To summarize, from the consideration of environmental impact the less-truckload exception rating in issue should be retained. However, the record does not clearly establish the level of the less-truckload exception rating that will be both (1) sufficiently low to encourage shippers to return empty reusable containers, and (2) high enough to ensure that carriers' revenues needs would be met so that the container traffic would not cast an undue burden on other traffic.

From the facts available to us, it would appear that a less-truckload exception rating of 50 percent of Class 70, as set forth in Item 330.4 of MRT 2 for can packs, would meet the two tests stated above. That rating having been proposed by a carrier organization should not be so low as to unduly depress carrier earnings or cast a burden on other traffic. On the other hand, having been jointly proposed by the involved shippers, the rating should be low enough to ensure its use by shippers of returnable containers.

An additional indication of the need for permanent exception ratings on returnable containers is demonstrated by the fact that MRT 2 now contains a permanent truckload rating of Class 35.3 for malt and cereal beverage bottles and barrels (Item 331).

In the circumstances the order which follows will reestablish on a permanent basis a less-truckload exception rating on empty containers returning as described in Item 330.6 of MRT 2 subject to (a) a less-truckload rating of 50 percent of Class 70, and (b) the restriction proposed by CMA concerning loading of return movements.

Also involved in this proceeding are the provisions of Items 80 and 340 of ERT 1.^{7/} The adoption of the proposal of CMA requires changes in the provisions of Item 80.

The evidence adduced by CMA indicates that the provisions of Item 340 should be retained from an environmental standpoint. The bulk commodity shipping containers described in Item 340 of ERT 1 are not included in Item 330.6 of MRT 2. The rating in Item 330.6 adopted herein as reasonable produces lower transportation charges than the rating in Item 340 of ERT 1. Therefore, it appears that the exception rating in Item 340 of ERT 1 will also be reasonable and the item should be retained.

Findings

1. Concurrent with the adoption of the National Motor Freight Classification to govern MRT 2 and other minimum rate tariffs, the Commission ordered that certain exceptions to the prior Western Classification should be continued as temporary ratings to give affected shippers and carriers and the Commission staff opportunity to justify such ratings on a permanent basis. Included in that group of temporary exception ratings are the ratings in Items 80 and 340 of ERT 1 and 330.6 of MRT 2 (Decision No. 74310, *infra*).

^{7/} Item 80 of ERT 1 contains rules governing the circumstances in which empty packages and carriers may be returned under the exception ratings in ERT 1 and MRT 2.

Item 340 of ERT 1 provides a truckload exception rating of Class 85, minimum weight 4,500 pounds, on metal bulk commodity shipping containers.

2. The same tests should apply to determine whether the temporary exception ratings should be made permanent as are applied to the establishment of new exceptions to the National Motor Freight Classification (Decision No. 67610).

3. The tests for determining whether a new exception rating should be established or a temporary exception rating made permanent, as set forth in Decision No. 74310 (68 CPUC 445, at 452), are:

- (a) Transportation conditions or circumstances surrounding the commodity involved are different for California intrastate traffic than elsewhere, or
- (b) Transportation conditions and circumstances involved in the movement of the commodity are similar to those involved in the movement of commodities currently subject to exception ratings on the same level as the proposed or temporary exception rating.

4. In addition to the historic tests enumerated above, the Commission must also consider the environmental impact of the rate proposal, pursuant to Section 21000 subparagraphs (f) and (g), and Section 21001, subparagraph (g), of the California Environmental Quality Act of 1970 (CEQA). That statute does not require the issuance of an Environmental Impact Report (EIR) in proceedings of this kind (Decisions Nos. 81237 and 81484 in Case No. 9452).

5. Decision No. 80495, issued October 28, 1972 in this proceeding, denied the petitions of California Manufacturers Association (CMA) to establish the exception ratings and provisions of Item 330.6 of MRT 2 and Items 80 and 340 of ERT 1 on a permanent basis.

6. Decision No. 81163 dated March 20, 1973 granted rehearing of Decision No. 80495 for the sole purpose of receiving additional evidence and argument relative to the environmental consequences which would result from an order allowing the exception ratings involved in this proceeding to expire.

7. The limited rehearing ordered in Decision No. 81163 has been held and the matter has been submitted.

8. The evidence establishes that:

- (a) Less scarce materials or unreplaceable natural resources will be consumed if certain types of shipping containers are reused than if one-way or nonreusable containers are used.
- (b) Less energy is required on a per-use or per-shipment basis to produce multi-use containers as opposed to one-way containers.
- (c) The foregoing indicates that the utilization of multi-use containers has significantly less impact on the environment than the use of one-way or nonreturnable containers.
- (d) From an environmental standpoint the utilization of multi-use containers should be encouraged.

9. The maintenance of a permanent less-truckload exception rating on can packs in Item 330.4 of MRT 2 and a permanent truckload exception rating on malt and cereal beverage containers in Item 331 of MRT 2 indicates that reduced permanent ratings on empty carriers returning in Item 330.6 of MRT 2 are required in order that such traffic will move.

10. Decision No. 80495 found that the retention of existing exception ratings on empty returning containers (except can packs) had not been shown to be just and reasonable, and that just, reasonable, and nondiscriminatory ratings would result from the application of the ratings set forth in the Governing Classification on those commodities (Finding 6). That finding is rescinded and the following is substituted therefor. The retention of the commodity descriptions and provisions of Item 330.6 of MRT 2, subject to a less-truckload exception rating of 50 percent of Class 70, and the retention of the provisions and truckload exception rating on bulk commodity shipping containers in Item 340 of ERT 1 are justified by transportation

conditions and will result in just, reasonable, and nondiscriminatory minimum rates for the reasons stated in the preceding opinion. The provisions of Item 80 of ERT 1, amended as proposed herein by petitioner, will result in just, reasonable, and nondiscriminatory provisions to govern the exception ratings set forth in Item 330.6 of MRT 2 and Item 340 of ERT 1.

11. The increases resulting from the tariff provisions found reasonable in the above finding are justified.

12. Common carriers, to the extent they maintain exception ratings on empty returning containers lower in volume or effect than the ratings resulting from the order which follows, should be directed to increase their ratings and provisions to the levels established by the order which follows.

Conclusions

1. The temporary exception ratings on empty returning containers, modified as found reasonable in the findings stated above, should be established as permanent exception ratings.

2. Except to the extent provided above, Petition No. 691 in Case No. 5432 and Petition No. 133 in Case No. 7858 should be denied.

3. MRT 2 and ERT 1 should be amended as provided in the order which follows.

4. The "Appeal to the Full Commission to Overrule the Examiner's Ruling From the Bench Denying Petitioner's Motion to Compel the Commission to Prepare an Environmental Impact Report Before Permitting the Exception Ratings For Shipment of Empty Carriers Returning to Expire" filed by the Planning and Conservation League should be denied.

ORDER ON REHEARING

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 February 8, 1974, Seventh Revised Page 31-AAA, attached hereto and by this reference made a part hereof.

2. Exception Ratings Tariff 1 (Appendix A to Decision No. 66195, as amended) is further amended by incorporating therein to become effective February 8, 1974, Supplement 19, Eighth Revised Page 7, and Seventh Revised Page 15, attached hereto and by this reference made a part hereof.

3. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decisions Nos. 31606 and 66195, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

4. Tariff publications required 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 on not less than ten days' notice to the Commission and to the public; and tariff publications which are authorized but not required to be made by common carriers as a result of the order herein 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.

5. Common carriers, in establishing and maintaining the amendments 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 amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

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6. In all other respects Decisions Nos. 31606 and 66195, as amended, shall remain in full force and effect.

7. Except to the extent provided above Petition No. 691 in Case No. 5432 and Petition No. 133 in Case No. 7858 are denied.

8. The appeal of the examiner's ruling is denied.

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

Dated at San Francisco, California, this 20th
day of JANUARY, 1974.

Vernon L. Stevens
President
William J. Symons, Jr.
[Signature]
[Signature]
[Signature]
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>		Class Rating
<p>CARRIERS (USED PACKAGES), SECONDHAND, EMPTY, subject to Notes 1 and 2, viz.:</p> <p>Barrels, Drums or Kegs, sheet iron or steel (40830) Bottles, Carboys or Demijohns, NOI, glass, one gallon or less (87700) Bottles, plastic, one gallon or less, in barrels, boxes or crates, with or without covers (156600) Boxes, fibreboard, KD flat or folded flat, in packages (29275, 29280) Carboys, glass, in boxes, with or without neck protection (87840) Carriers, NOI (40850, Sub 2) Crates, bottle carrying (40883, 40885, 40890, 40900, 40910, 40920, 40930) Cylinders, for shipping air, gases or liquids under pressure (41150, 41160) Drums, shipping, fibreboard, nested (21840, Sub 2) Pallets, metal or wooden, shipping (150370, 150390) including inside spacers or supports for palletized loads Reels (41330, Sub 5)</p> <p>Less Truckload</p> <p>ø(1) Subject to minimum rate of 48 cents per hundred pounds or actual Class 70 rate whichever is lower. On continuous through movements on which charges are obtained by use of combinations of separately established rates, the minimum rate stated above shall apply, not in connection with the separately established factors, but to the total of the combined rate applicable to the through continuous movement.</p> <p>øNOTE 1.--Applies only on Carriers (used packages), secondhand, empty, returning, or when shipped for return paying load. Applies only when return movement is over same line, or lines, as outbound movement, subject to Item 80 of Exception Rating Tariff 1, except as provided in Note 2; and subject also to estimated weights, if any, which are published in the Governing Classification.</p> <p>Note 2.--If the charge accruing under the rating in the Governing Classification is lower than the charge accruing under the exception rating contained herein, the lower charge resulting from the Governing Classification rating will apply.</p>		<p>ø (1) 50% of 70</p> <p>øø 330.6</p>
<p>ø Change) ø Increase) Decision No. 82320 ø Reduction)</p>		
EFFECTIVE		
<p>Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>		

SUPPLEMENT 19
(Cancels Supplements 16 and 18)

(Supplements 8, 9 and 19 Contain All Changes)

TO

EXCEPTION RATINGS TARIFF 1

CONTAINING

RATINGS AND RULES

WHICH ARE EXCEPTIONS TO THE

GOVERNING CLASSIFICATION

APPLICABLE TO MINIMUM RATE TARIFFS

MAKING SPECIFIC REFERENCE THERETO

Decision No. **S2320**

EFFECTIVE

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco, California 94102

EXCEPTION RATINGS TARIFF 1

SECTION 1--RULES (Concluded)		ITEM
SUBJECT	DESCRIPTION	
Reference to Items and Other Tariffs	Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs or classifications include references to amendments and successive issues of such publications.	50
Shipments Loaded On Elevating Truck Pallets or Platforms or Lift Truck Skids	Articles loaded on elevating truck pallets or platforms or lift truck skids will be rated the same as when such articles are not loaded and not transported on elevating truck pallets or platforms or lift truck skids. When used, such elevating truck pallets or platforms or lift truck skids must be furnished and installed by the shipper at his expense. Transportation charges for the weight of the elevating truck pallets or platforms or lift truck skids will be at the rate applicable on the freight which they accompany and the weight of such elevating truck pallets or platforms or lift truck skids may be used to make up the minimum weight applicable to the freight which they accompany.	60
Empty Packages or Carriers, Secondhand	<p>When Empty Packages or Carriers, as described below, are offered for shipment at the rates published in tariffs governed by this ERT:</p> <p>(a) Empty Packages or Carriers, secondhand, empty, returned: The carrier must determine that such packages were moved filled and are being returned over the same carrier or carriers to consignor of the original filled packages at locations from which original filled packages were shipped or to another location;</p> <p>(b) Empty Packages or Carriers, secondhand, forwarded for return paying loads: Carrier must determine that such packages will, when filled, be moved over the same carrier or carriers to the consignor of the original empty packages at locations from which original empty packages were shipped or to another location;</p> <p>*(c) Empty Packages or Carriers, secondhand, empty, returned or forwarded for return paying loads, must be tendered to the carrier and be available for immediate shipment at the time of delivery of an outbound shipment by the carrier to the consignor of the empty packages or carriers;</p> <p>otherwise carrier will apply the ratings for secondhand packages or carriers not returned.</p>	80 80
Dangerous Articles	<p>Dangerous Articles include those articles described in and subject to the provisions of the Dangerous Articles Tariff.</p> <p>Dangerous Articles must not be accepted for transportation unless at the time of or prior to the initial pickup the consignor has furnished to the carrier written information as required under the regulations of the Dangerous Articles Tariff.</p>	90
(1) Suspended by Supplement 16.		
⚡ Change) * Addition) ⚡ Increase) ⚡ Reduction)	Decision No. 82320	
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

EXCEPTION RATINGS TARIFF 1

SECTION 2--RATINGS WHICH ARE EXCEPTIONS TO THE GC (Continued)			ITEM												
ARTICLES															
<p>Carriers (used packages), as described in Items 320 and 321, subject to Notes 1 and 2, viz.: (Concluded)</p> <p>With truckload shipments of articles named below there may be included at a rating provided therefor:</p> <p>Malt Liquors, viz.: Ale, Beer, Porter or Stout, that is unfit for human consumption in quantity not exceeding 2,000 lbs.</p> <p>The weight of the Malt Liquors (actual weight of which must be certified to by shipper on shipping order) not to be used in determining the minimum truckload weight of the containers.</p> <p>* Carriers (used packages), viz.:</p> <table><tr><td>Barrels,</td><td>Hogsheads,</td><td>)</td></tr><tr><td>Half Barrels,</td><td>Kegs,</td><td>)</td></tr><tr><td>Casks,</td><td>Puncheons,</td><td>)</td></tr><tr><td>Drums,</td><td>Tierces,</td><td>)</td></tr></table> <p>ale, beer or cereal beverages, wooden, metal or wood and metal combined,</p> <p>Bottle Carriers (bottle-carrying boxes or crates, with permanently fixed partitions), Bottles (old, capacity not exceeding one quart), in boxes, barrels or in bulk securely braced.</p> <p>* Subject, unless otherwise provided, to ratings, minimum weights and other provisions of this item.</p> <p>(1) Freight charges on shipments of empty Cement or Plaster Bags must be prepaid. (2) Subject to less-truckload rating only.</p> <p>NOTE 1.--Applies only on Carriers (used packages), secondhand, empty, returning, or when shipped for return paying load. Applies only when return movement is over same line, or lines, as outbound movement, subject to Item 80, except as provided in Note 2 and subject also to estimated weights, if any, which are published in the GC.</p> <p>NOTE 2.--If the charge accruing under the rating in the Governing Classification is lower than the charge accruing under the resulting rating contained herein, the lower charge resulting from the Classification will apply.</p>			Barrels,	Hogsheads,)	Half Barrels,	Kegs,)	Casks,	Puncheons,)	Drums,	Tierces,)	321
Barrels,	Hogsheads,)													
Half Barrels,	Kegs,)													
Casks,	Puncheons,)													
Drums,	Tierces,)													
<p>Carriers (used packages), subject to Note 1, viz.:</p> <p>Bins or Boxes (bulk commodity shipping containers), metal, empty, minimum weight 4,500 lbs.</p> <p>NOTE 1.--Applies only on Carriers (used packages), secondhand, empty, returning, or when shipped for return paying load. Applies only when return movement is over same line or lines as outbound movement, subject to Item 80.</p>		<table><tr><th colspan="2">Rating</th></tr><tr><th>LTL</th><th>TL</th></tr><tr><td></td><td>85</td></tr></table>	Rating		LTL	TL		85	80 340						
Rating															
LTL	TL														
	85														
<p>(1) Suspended by Supplement 16.</p>															
<p>o Change) o Reduction) Decision No.</p>		82320													
EFFECTIVE															
Correction		ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.													