82440Decision No.



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. 770) (Filed October 24, 1973)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, Ragu Foods, Inc. seeks to have MRT 2 amended by establishing therein exception ratings on basic food sauces which are the same as those currently applicable to canned goods and related articles.¹

Petitioner states that it is engaged in the business of manufacturing, selling and distributing food products from its plant at Merced to points in the State of California, and ships these products, including spaghetti sauces, via highway permit carriers and highway common carriers.

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Exception ratings of Class 50.1, less truckload, and Classes 35, 35.1, 35.2 and 35.3, minimum weights 30,000, 36,000, 42,000 and 45,000 pounds, respectively, apply to the transportation of canned goods and related articles as set forth in Items 320 and 320-1 of MRT 2.

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Petitioner avers that basic food sauces are presently listed and ratable under sauces in Item 74710 of National Motor Freight Classification A-13 (Governing Classification). Petitioner points out that Items 320 and 320-1 of MRT 2 contain ratings on table sauces, catsup, salad dressing, mayonnaise, prepared horseradish, prepared mustard and pepper sauce, which are lower than, and exceptions to, the ratings in Item 74710 of the Governing Classification on such articles. Petitioner contends that basic food sauces, which include spaghetti sauces, are the only sauces specifically named in Item 74710 of the Governing Classification that are not listed, and subject to the lower exception ratings provided, in Items 320 and 320-1 of MRT 2. Petitioner declares that the exception ratings on foodstuffs in Item 345 of MRT 2, which are the same as those provided in Items 320 and 320-1 of MRT 2 for canned goods and related articles, also apply on spaghetti sauce when packaged with spaghetti and cheese or noodles and cheese. However, applicant avers that the higher ratings in the Governing Classification apply when the spaghetti sauce is shipped separately.

Petitioner asserts that the transportation and shipping characteristics of spaghetti sauces are at least as favorable as those surrounding the transportation of canned goods which are currently subject to the lower exception ratings sought herein.² Petitioner alleges that spaghetti sauces have a weighted average density of 47.1 pounds per cubic foot and a weighted average value

² Exhibit "A" attached to the petition contains a list of certain canned goods and related articles which take less truckload and truckload ratings in the Governing Classification which are the same as, or higher than, those applicable to spaghetti sauces in said classification. of 24.2 cents per pound. According to petitioner, these sauces are not perishable, require no temperature control service or other special handling and have no peculiar characteristics which make them susceptible to damage or theft. Petitioner states that spaghetti sauces compete in the same market areas as canned goods and related articles and are subject to similar intrastate distribution patterns.

Copy of the petition was mailed to California Trucking Association and California Manufacturers Association on October 24, 1973. The petition was listed on the Commission's Daily Calendar of October 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 the resulting 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.

Other minor changes not related to the subject matter of the petition will be made in one of the tariff pages herein being revised.³

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 25, 1974, Fiftieth Revised Page 9 and Fifteenth Revised Page 31, 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

³ Various additions and deletions are indicated on Fiftieth Revised Page 9 of MRT 2 in updating the index of commodities shown thereon.

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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 ratings 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 ratings 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.

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The effective date of this order shall be February 19, 1974. Dated at San Diego, California, this <u>.54</u> day of February, 1974.

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Commissioners

MINIMUM RATE TARIFF 2

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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.

CLY360Solvent, Drain pipe730-732Salads (M)335.7Soups320Salads, Fish, Macaroni, Meat320-1,360Soups320-1or Vegetable320-1,360SoupsSoups320-1Salt, common380Spaghetti, and Choese345Salt (M)360Spaghetti, and Choese345Sauce, pepper320-1Spaghetti, dry, and other320Sauces, basic food320-1Spices360Sauces, table320-1Spices360Sauces, table320-1Spices360Sausage casings320-1Starch320-1,345Sawdust, Wood"70, 729Starch730-732Sawmill Refuse720Starch730-732Shakes690.710Sugar360Shakes690.710Sugar, corn, sorghum grain390Shells, Cocoa bean652-654Sugar, corn, sorghum grain390Shinglas"685,690,*691,710Sugar, Coll, Water or390	COMMODITY	ITEM	Commodity	ITEM
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EFFECTIVE Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.



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EXCEPTIONS TO CONTINUE CLASSIFICATION AND EXCEPTION RATINGS TRACKTON AND EXCEPTION RATINGS TRACKTON AND EXCEPTION RATINGS TRACKTON AND TRACKTON COMPOSITION OF THE STATE OF CALIFORNY Class Restrict to such compositions as they are described in the corresponding item numbers of the Governing Classification.) Class Restrict CONNED COODS (concluded) (Items 326 and 320-1) Class Restrict Conner containers of excitaments, plass, molded plastic homestically-sealed Sibroback, or metal cans in metal strapped bunches, or in bulk in the following containers: barrels, hogshead, pipes, purchema, the formation of the strapped for the strapped bunches, or in bulk in the following containers: barrels, hogshead, pipes, purchema, the strapped for the strapped for the strapped bunches, following or saled (144800 or 145100) (Cli, cooking (14280) Facutes, toopsend(173200) States, follo, State, or in paste form compounded with flour or sugar and flavored) (73200) States, follo, State, or State, 75320 or 75380 Syrbase Klik Compound (17480) States, follo, State, 75300, 7370 or 75380 Syrbase Klik Compound (17480) States, follo, State, 75300, 7370 or 75380 Syrbase Alik compound (17480) States, follo, State, 75300, 7370 or 75380 Syrbase Klik Compound (17480) States, follo, State, 75300, 7370 or 75380 Syrbase Alik compound (17480) States, follo, State, 75300, 7370 or 75380 Syrbase Alik compound (17480) States, follo, State, 75300 or 15320 Wish Archelt (17420) Wish Archelt (17420) Wish Archelt (17420) States, follo (1500 pounds	SECTION 1RULES OF GENERAL APPLICATION (Continued)			
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Correction SAN FRANCISCO, CALIFORNIA				

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