

Decision No. 82440**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. 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.

¹ 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.

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 horse-radish, 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.

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.

The effective date of this order shall be February 19, 1974.

Dated at San Diego, California, this 5th day of February,
1974.

Vernon L. Sturgeon
President
William J. Symons Jr.
J. H. Hahn
Paul J. Hahn
San Diego
Commissioners

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
Salad Dressing Preparations, dry	360	Solvent (M)	377.5, 723-726
Salads (M)	335.7	Solvent, Drain pipe	730-732
Salads, Fish, Macaroni, Meat or Vegetable	320-1, 360	Soups	320
Salt, common	380	Sour, laundry	730-732
Salt (M)	360	Soybean Milk Compound	320-1
Sandwich Spreads	320-1, 335.7, 345	Spaghetti and Cheese	345
Sauce, pepper	320-1	Spaghetti, except canned	360
*Sauces, basic food	320-1	Spaghetti (prepared)	320
Sauces, table	320-1	Spaghetti, dry, and other ingredients	345, 360
Sausage	320-1	Spices	360
Sausage casings	320-1	Spreads, sandwich	320-1, 345
Sawdust, Wood	*370, 729	Stain, wood (M)	377.5, 723-726
Sawmill Refuse	729	Starch	730-732
Seeds as described under that heading in the Governing Classification	383, 652-654	**	
Shakes	690, 710	Steel, plate or sheet *	365
Shavings, Wood	*370, 729	**	
Sheets, sawdust or ground wood, compressed	*685, 690, *691, 710	Stout	310, 360
Shells, cocoa bean	652-654	Sugar	390-740, 745
Shells, Nut	652-654	Sugar, beet or cane	390
Shingles	*685, 690, *691, 710	Sugar, corn, sorghum grain or wheat	390
Shook, box or crate	690, 710	Supplies, Oil, Water or Gas Well	365
Shortening	335.5	Syrup	318-1, 320-1
Slab, building or roofing	318	Syrup, Malt	360
**		Syrups, flavoring or fruit	318.1, 335.7
Soap	730-732	Syrups, Fruit	360
Soap, liquid (M)	377.5, 723-726	Table Sauces	320-1
Soap, liquid	730-732	Tankage	759
Soap, powder	730-732	Tanks, steel**	365
Sodium Hypochlorite Solution	730-732	Taploca	360
Softeners, textile	730-732		
Solids, Milk, Cream, Butter-milk or Dry Milk (M)	335.7		

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

§ Change)
 * Addition) Decision No. 82440
 ** Eliminated)

EFFECTIVE

Correction

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

