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Decision No. 82537

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 cement and )  
related products (commodities for )  
which rates are provided in Minimum )  
Rate Tariff No. 10). )

Case No. 5440  
Petition for Modification  
No. 88  
(Filed December 6, 1973)

OPINION AND ORDER

Minimum Rate Tariff 10 (MRT 10) names minimum rates and rules for the transportation of cement and related commodities by highway permit carriers between points in the State of California. Item 60 of MRT 10 provides, among other things, that charges on shipments of gun plastic cement shall be assessed on a gross weight per package of 97 pounds when the packed net weight per package is 96 pounds. By this petition, California Trucking Association seeks to have such net and gross weight provisions amended.

Petitioner states that packages suitable for this product are not now manufactured to meet such specifications due to temporary shortages of paper. Petitioner alleges that this product is presently packaged in the same size package as hydraulic and Portland cement on which charges are assessed on a gross weight per package of 95 pounds when the packed net weight per package is 94 pounds. Petitioner proposes that Item 60 of MRT 10 be amended to reflect such changed specifications.

Copies of the petition were mailed to various interested cement shippers on or about December 5, 1973. The petition was listed on the Commission's Daily Calendar of December 7, 1973. Riverside Cement Company has informed the Commission by letter that it supports the petition. No objection to the granting of the

petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and that 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.

IT IS ORDERED that:

1. Minimum Rate Tariff 10 (Appendix A to Decision No. 44633, as amended) is further amended by incorporating therein, to become effective March 19, 1974, Second Revised Page 5-D 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. 44633, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.


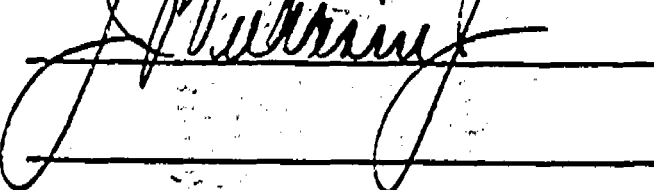

3. Tariff publications authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than March 19, 1974, and may be made effective on not less than one day's notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order.

4. 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.

5. In all other respects, Decision No. 44633, as amended, shall remain in full force and effect.

The effective date of this order shall be March 18, 1974.

Dated at San Francisco, California, this 5<sup>th</sup> day of March, 1974.

  
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President  
  
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\_\_\_\_\_  
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

## SECTION 1--RULES (Continued)

ITEM

## COMPUTATION OF CHARGES--WEIGHTS

Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of the containers. See Exceptions.

## EXCEPTIONS--

(1) On shipments packed in cloth or 3, 4, 5 or 6-ply paper bags or sacks the following applies:

Commodity	When the Packed Net Weight Per Package Is:	Charges Will be Assessed on Gross Weight Per Package of:
Cement, Hydraulic, natural or Portland	94 Pounds	95 Pounds
Cement, masonry or mortar	70 Pounds	71 Pounds
Cement flue dust	84 Pounds	85 Pounds
*Cement, plastic, gun	694 Pounds	695 Pounds
Cement, plastic, gun	96 Pounds	97 Pounds
Lime	50 Pounds	50½ Pounds
Lime	60 Pounds	60½ Pounds
Lime	100 Pounds	101 Pounds
Limestone, powdered	100 Pounds	101 Pounds

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(2) When palletized shipments are loaded or unloaded by power equipment (power loading includes loading of pallets in place on motor vehicle from conveyor-type loading equipment when loading is done by shipper), the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall not be used in determining the weight of the shipment nor the charges thereon. When palletized shipments are loaded or unloaded by other than power equipment, the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall be used in determining the gross weight of the shipment and the charges thereon. This exception applies only in connection with the rates contained in this tariff and is not applicable to shipments of empty pallets. When rail rates are used under the provisions of Items 150 through 161 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.

(3) When rail rates are used under the provisions of Items 150 through 161 of this tariff, actual, estimated or agreed weights shall be used to compute charges in accordance with the provisions of the governing rail tariff.

ø Change )  
\* Addition ) Decision No.  
ø Reduction )

82537

EFFECTIVE

Correction

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