

ORIGINAL

Decision No. 82576

## 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. 786)  
 (Filed January 14, 1974)  
 (Amended January 21, 1974)

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, Bulk Transportation, a highway permit carrier, seeks to have MRT 2 amended by establishing therein a truckload exception rating of 35.4 on nut meats, spoiled or wormy, unfit for human consumption.

Petitioner states that it is presently transporting the commodity at less-than-minimum rates under authority of Decision No. 81831, dated September 5, 1973, in Application No. 53772 and such authority expires March 5, 1974. Petitioner contends that its proposal more appropriately reflects current circumstances and conditions in the transportation of said nut meats in California than are provided in the governing classification.<sup>1</sup> Petitioner alleges that these circumstances and conditions are significantly different than those applying nationally. Petitioner avers

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<sup>1</sup>Item 141540 of National Motor Freight Classification NMF 100 provides a truckload rating of Class 35, minimum weight 36,000 pounds for the aforementioned commodity.

that the proposed exception rating was developed with the cooperation and concurrence of affected shippers and carriers and that the establishment of such lower rating for the involved transportation would benefit shippers.

The petition was listed on the Commission's Daily Calendar of January 22, 1974. 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 and, to the extent that increases may be involved, such increases are justified. A public hearing is not necessary. The Commission concludes that the petition should be granted.

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 March 23, 1974, Fifty-fifth Revised Page 7 and Original Page 37-F 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 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 the first day after the effective date of this order 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 60 days after the effective date of the minimum rate tariff pages 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. 31606, as amended, shall remain in full force and effect.

This order shall become effective March 22, 1974.

Dated at San Francisco, California, this 12<sup>th</sup> day of March, 1974.

  
President  
  
  
  
Commissioners

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

## 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
Limestone, crushed or ground (feed grade)	652-654	Milk, Sterilized	320,335.7,345
Lime, Chlorinated	730-732	Milk Substitutes	335.7,345
Liquid, cigar or cigarette lighter (M)	377.5,723-726	Mince Meat	320
Liquors, Malt	360	Mineral Mixtures	652-654
Liquors, Vinous	360	Mix, Pizza Pie	345
Litter, Poultry (M)	652-654	Mixtures, Mineral	652-654
Loins, fish, frozen	775	Molasses	320-1
Lubricant, Grease Binder	377.5,723-726	Molasses (M)	652-654
Lubricant, metal cutting, drawing or drilling (M)	377.5,723-726	Monoglycerides of Fat-forming Fatty Acids	335.5
Lumber	685,690,700,710	Mud or Compounds, well drilling	365
Lye, Concentrated	730-732	Mushrooms	320-1
Macaroni, except canned	360	Mustard	360
Macaroni (prepared)	320	Mustard, prepared	320-1
Macaroni, dry, and other ingredients	345,360	Noodles and Cheese	345
Malted Milk	360	Noodles, except canned	360
Manholes	334.8	Noodles (prepared)	320
Material, roofing, building or paving	761,762,767	Noodles, dry, and other ingredients	345,360
Mayonnaise	320-1,335.7	*Nut Meats	377
Meal, feather	652-654	Nuts, edible, shelled	350,360
Meat (Animal Feed)	338	Oil, Cooking	320-1,335.5
Meat, other than fresh	360	Oil, Olive	320-1
Meat Substitutes	360	Oil (other than medicinal) (M)	377.5,723-726
Meats, cooked, cured or preserved	320,345	Oil, petroleum medicinal (M)	377.5,723-726
Meats, fresh	376	Oil, Salad	320-1,335.5
Mechanics' Tools (M)	365	Oleomargarine	335.5
Milk	335.6,345	Olives	320-1
Milk (condensed, evaporated or sterilized)	320,335.7	Onion Chips	320
Milk Food, other than malted, liquid	320,335.7	Onion, Powdered	320
Milk, Malted	360	Outfits, insect destroying (M)	377.5,723-726
Milk, Pasteurized	345	Outfits, Oil, Water or Gas Well	365
Milk, Solids, dry	345		

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

\* Addition, Decision No. **82576**

EFFECTIVE

Correction

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)		
(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.)	Class Rating	
<p>Nut meats, spoiled or wormy, unfit for human consumption, in bulk (141540) (Subject to Notes 1 through 7).</p> <p>Minimum Weight 45,000 pounds-----</p> <p>NOTE 1.--The provisions of this item do not apply in connection with:</p> <p>(a) Split Pickup Shipments, Split Delivery Shipments or Multiple Service Shipments.</p> <p>(b) Shipments transported in pneumatic equipment regardless of whether such pneumatic facilities are utilized in unloading. For purposes of applying provisions of this item, the term pneumatic equipment means carrier's equipment capable of unloading by air pressure in defiance of gravity.</p> <p>(c) Shipments moving under the provisions of Premium Volume Incentive Service.</p> <p>(d) Shipments transported in Multiple Lots.</p> <p>NOTE 2.--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 herein.</p> <p>NOTE 3.--An allowance of one hour free time for loading and one hour free time for unloading shall be allowed for each unit of carrier's equipment used. Time shall be computed from the time of arrival of carrier's equipment at the 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>NOTE 4.--Applies only in connection with shipments released to one-half of actual value or 50 cents per pound, per article, whichever is less. Shipper must enter the following statement on the bill of lading:</p> <p>"The agreed or declared value of the property is hereby specifically stated by the shipper to be one-half of actual value or 50 cents per pound, per article, whichever is less."</p> <p>NOTE 5.--Applies only in connection with straight shipments of the commodity named in this item.</p> <p>NOTE 6.--Shipments must be loaded by the consignor without expense to the carrier. Physical assistance of the carrier's employee is restricted to work within or on carrier's equipment and does not include any assistance in the actual loading and unloading.</p> <p>NOTE 7.--Must be transported in carrier's equipment capable of unloading only by gravity.</p>	35.4	*00 377
<p>* Addition )</p> <p>o Increase )</p> <p>o Reduction )</p>	Decision No.	82576
EFFECTIVE		
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Correction		