

SR

Decision No. 83009

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion into the rates, rules,)
regulations, charges, allowances)
and practices of all common)
carriers, highway carriers and)
city carriers relating to the)
transportation of fresh and green)
fruits and vegetables and related)
items (commodities for which)
rates are provided in Minimum)
Rate Tariff No. 8).)

Case No. 5438
(Petition for Modification
No. 100)
(Filed May 29, 1974)

OPINION AND ORDER

Minimum Rate Tariff 8 (MRT 8) names minimum rates and rules for the statewide transportation of fresh fruits and vegetables, nuts and empty containers by highway carriers. By this petition, California Trucking Association seeks to have extended from July 1, 1974, to July 1, 1975, the expiration date governing the application of the volume rates in MRT 8 when helpers or other parties are employed.¹ Petitioner also requests that common carriers be authorized and directed to establish in their respective tariffs all such modifications as may be prescribed by the Commission's order in this proceeding including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

¹The application of these rates as set forth in Item 120 of MRT 8 is restricted to include the service of a single carrier employee (driver) only. Also, if the services of helpers or other parties are employed to perform, or to assist in the performance of accessorial services rendered under the tariff, the actual charges assessed or incurred therefor (not to exceed the scale of charges established pursuant to Sections 56801 through 56982, Chapter 8 of the California Food and Agricultural Code) shall be billed directly to and collected from the debtor.

Petitioner states that the aforementioned tariff provisions were established pursuant to Decision No. 81450 dated May 30, 1973, following a joint filing by it and other trade groups having a prominent interest in the production, distribution and transportation of products subject to the rates in MRT 8. Petitioner alleges that these tariff provisions have influenced the potential for objective future evaluation, coordination and clarification of the existing joint jurisdictional involvement of the Commission and the Director of Industrial Relations in the area of unloading charges at established produce markets. Petitioner avers that the Commission recently issued its Order Setting Hearing 99 in Case No. 5438 to receive evidence predicated upon its staff cost and rate studies underlying MRT 8 but that hearings in that proceeding have not yet been held. Petitioner declares that the timing of any future revisions in MRT 8 is uncertain and asserts that the many positive consequences of the tariff provisions in question should be maintained pending further evaluation of the matter in Order Setting Hearing 99.

Copies of the petition were mailed to interested parties on or about May 28, 1974. The petition was listed on the Commission's Daily Calendar of June 3, 1974. By letters dated June 7 and 10, 1974, Vaughan, Paul & Lyons, on behalf of Golden Gate Produce Terminal and San Francisco Produce Association, and Silver, Rosen, Fischer & Stecher, on behalf of Lucky Stores, Inc., respectively objected to the proposed extension of the expiration date governing the involved tariff provisions and requested hearing in this matter.

Subject to further review upon consideration of evidence which may be adduced at a public hearing, the Commission finds that the "status quo" in this matter should be preserved. The Commission concludes that the involved expiration date should be extended to midnight of October 1, 1974, pending the outcome of said hearing.

IT IS ORDERED that:

1. Minimum Rate Tariff 8 (Appendix C to Decision No. 33977, as amended) is further amended by incorporating therein, to become effective July 1, 1974, Sixteenth Revised Page 13 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. 33977, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.
3. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff 8 are authorized to increase such rates by the same amounts authorized for Minimum Rate Tariff 8 rates herein.
4. Common carriers maintaining rates on the same level as Minimum Rate Tariff 8 rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 8 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff 8 rates herein.
5. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 8 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff 8 rates herein.
6. Tariff publications required 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 on not less than one day's notice to the Commission and to the public and such tariff publications shall be made effective not later than July 1, 1974; and tariff publications which are authorized but not required to be made by common carriers as a result of this order 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 sixty days after the effective date of the minimum rate tariff page incorporated in this order.


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

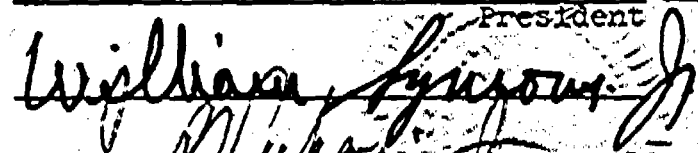
8. In all other respects, Decision No. 33977, as amended, shall remain in full force and effect.


9. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this petition and full disposition thereof.


The effective date of this order shall be June 28, 1974.

Dated at San Francisco, California, this 18th day of June, 1974.



President






Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (CONTINUED)

ITEM

APPLICATION OF RATES

1. GENERAL

(a) Rates provided in this tariff are for the transportation of shipments, as defined in Item 11 from point of origin to point of destination, subject to Items 130, 140 and 150.

(E) (b) The rates and charges named in this tariff include the services of a single carrier employee (driver) only. If the services of helpers or other parties are employed to perform, or assist in the performance of accessorial services rendered under this tariff, the actual charges assessed or incurred therefor (not to exceed the scale of charges established pursuant to Sections 56801 through 56982, Chapter 8 of the California Food and Agricultural Code) shall be billed directly to and collected from the debtor. These charges shall be in addition to all other rates and charges accruing under this tariff and in no event shall such charges, if assessed or incurred on an hourly basis, be less than those provided in Item 150 (Subject to Notes 1, 2, 3 and 4).

NOTE 1.--The accessorial charges resulting under Paragraph 1(b) are not applicable in connection with shipments subject to Any-Quantity rates.

NOTE 2.--**

NOTE 3.--The accessorial charges provided in Paragraph 1(b) are in addition to those named in Items 130 and 140 of the tariff.

NOTE 4.--Paragraph 1(b) does not apply in connection with Item 309 and Section 4 of the tariff.

2. DEDUCTIONS

Except as provided in Notes 1, 2, 3 and 4 hereof, when point of origin or point of destination is carrier's established depot, the pickup and delivery rates specifically named in this tariff shall be subject to the following deductions:

When shipment moves under rates subject to minimum weights of:	Deductions, in cents per 100 lbs. except as shown: Columns			120
	(1)	(2)	(3)	
Less than 2,000 pounds-----	20	5	25	
2,000 but less than 4,000 pounds-----	10	5	15	
4,000 but less than 10,000 pounds-----	5	5	10	

In cents per shipment when shipment weighs less than 100 pounds.

Column (1)--Applies on shipments originating at carrier's established depot.

Column (2)--Applies on shipments destined to carrier's established depot.

Column (3)--Applies on shipments originating at and destined to carrier's established depots.

NOTE 1.--No deduction shall be made under this rule from rates based upon a minimum weight of 10,000 pounds or more, or from minimum charges provided by Item 160.

NOTE 2.--No deduction shall be made under this rule on shipments transported for persons, companies or corporations upon whose premises depots from or to which the transportation is performed are located.

NOTE 3.--Deductions made under this rule on split pickup or split delivery shipments shall be made only on the weight of the component parts having point of origin or point of destination, or both (as the case may be), at the carrier's established depots, subject to Note 2.

NOTE 4.--In no case shall the net transportation rate be less than 14 cents per 100 pounds, or less than the pickup and delivery rate, whichever is lower.

3. DELIVERIES WITHIN A SINGLE MARKET AREA

For the purpose of applying the rates in this tariff, multiple deliveries, not exceeding six in number, will be permitted within a single market area as defined in Item 290 and shall be deemed to be made to one consignee at one point of destination provided charges are paid by a single consignor or a single consignee.

o o(E) Expires with October 1, 1974.

o Increase)

o Reduction) Decision No.

** Eliminated)

83009

EFFECTIVE

Correction

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