

Decision No. 84644**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investi-)
 gation 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, transporta-)
 tion for which rates are)
 provided in Minimum Rate Tariff)
 No. 2).)

Case No. 5432
 Petition for Modification
 No. 709

And Related Matters.)

Case Nos. 5439 and 5441
 Petition for Modification
 Nos. 163 and 249, respectively

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariffs 2, 1-B, 9-B and 19 respectively set forth minimum rates and rules for the transportation by highway carriers of general commodities statewide and within the East Bay, San Diego and San Francisco Drayage areas. Among other things, these tariffs set forth lists of commodities which are exempt from the application of the rates named therein. By Decision No. 74157 dated May 28, 1968, the transportation of "liquids, compressed gases and related commodities in trucks, trailers or semitrailers with carrier or shipper provided collapsible tanks or bags" was specifically exempted from the application of the rates set forth in the aforementioned tariffs subject to an expiration date of June 29, 1969. The exemption was extended from time to time and expired with May 15, 1973.

Decision No. 31379 dated May 15, 1973, in the above proceedings found that certain changes in the list of exempt commodities should be adopted but the revised tariff pages incorporated in said decision did not carry out the intent of the decision with respect to the exemption herein involved. In this respect, California Trucking Association requested that the exemption in question be continued in effect until further order of the Commission. All orders of the Commission are subject to further order of the Commission if the circumstances so warrant.

In the circumstances, the Commission finds that "liquids, compressed gases and related commodities transported in trucks, trailers or semitrailers with carrier or shipper provided collapsible tanks or bags" should be reinstated in the list of exempt commodities in Minimum Rate Tariffs 2, 1-B, 9-B and 19. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariff 2 should be amended accordingly by the order herein. The other tariffs should be amended by separate orders to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix "D" of Decision No. 31606, as amended) is hereby further amended by incorporating therein, to become effective August 9, 1975, Sixty-third Revised Page 15 attached hereto and by this reference made a part hereof.
2. Tariff publications required 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 tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than August 9, 1975; and tariff publications which are authorized but not required to be made by common carriers

as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten 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 page incorporated in this order.

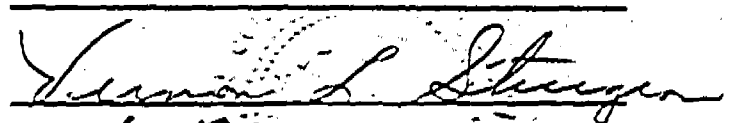
3. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; 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.

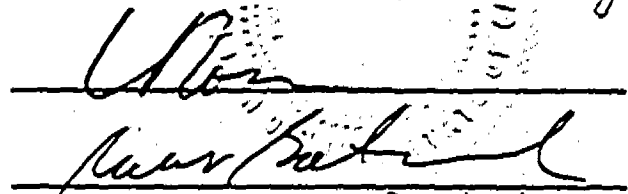
4. In all other respects, Decision No. 31606, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 8th day of July, 1975.


President




Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p align="center">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 40, 41 and 42)</p> <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities (concluded):</p> <ul style="list-style-type: none"> ☿ Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles *(the terms "tank trucks, tank trailers, tank semi-trailers" include truck, trailer or semi-trailer with carrier or shipper provided collapsible tank or bags, 20 feet or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity) Livestock (when rates are not otherwise provided in Minimum Rate Tariff 3-A) Logs (wood) Milk, liquid (subject to Note 1) Newspapers, newspaper supplements, sections or inserts (not scrap or waste) Nuts, in the shell (when rates are not otherwise provided in Minimum Rate Tariff 8) Nuts, field shelled (when rates are not otherwise provided in Minimum Rate Tariff 8) Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less Pits, fruit Pot Cheese (subject to Note 1) Poultry, live Sea shells, crushed, ground, powdered or disintegrated (subject to Note 5) Seeds, as described under that heading in the Governing Classification, when shipped from point of growth to an accumulation station or point of initial processing, or from an accumulation station to point of initial processing; in bulk, or in containers with a capacity exceeding 40 cubic feet, or in packages weighing 50 pounds or more Shell Marl, crushed, ground or powdered (subject to Note 5) Shells, walnut Sulphur United States mail transported for the Post Office Department under contract Used property, as described in Minimum Rate Tariff 4-B, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services Vegetables, fresh or green, including mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8) Vegetables, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled vegetable Vegetables, dried, unmanufactured, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper Pods Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places <p>NOTE 1--(a) Except as provided in paragraph (b), exemption applies only in connection with straight or mixed shipments of commodities making reference hereto and only when shipped in quantities of not less than 20,000 pounds. (b) The provisions of paragraph (a) of this note do not apply in connection with:</p> <ul style="list-style-type: none"> (1) The transportation of eggs moving in straight shipments from point of production. (2) Shipments moving in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles or in milk shipping cans from point of production. <p>NOTE 2--Includes only used empty carriers which are returning from an outbound paying load of traffic for which rates are not provided in this tariff, or which are being forwarded for a return paying load of traffic for which rates are not provided in this tariff (subject to Item 80 of the Exception Ratings Tariff).</p> <p>NOTE 3--Exemption applies only as to dried fruit in the natural state and which has not been cleaned, washed, stemmed or otherwise prepared or partially prepared for human consumption.</p> <p>NOTE 4--Exemption applies only when the distance between point of origin and destination does not exceed 35 miles, computed in accordance with the provisions of Item 100.</p> <p>NOTE 5--Exemption applies only when shipper certifies on the shipping document covering the transportation that the shells or shell marl are being shipped for use as a fertilizer.</p> <p align="right">(Continued in Item 42)</p>	<p align="center">641</p>
<p>☿ Change) * Addition) Decision No. 84644</p>	
EFFECTIVE	
<p align="center">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	