

Decision No. 84647**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 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. 843  
 (Filed March 18, 1975)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names minimum rates for the statewide transportation of general commodities by highway carriers. Item 335.5 of MRT 2 sets forth various exception ratings for the transportation of cheese and related products.<sup>1</sup> By this petition, California Trucking Association seeks to have MRT 2 amended by including imitation cheese in the list of commodities described in the aforementioned item.

Petitioner states that modern technology has resulted in the manufacture of an imitation cheese made from vegetable oils. Petitioner alleges that imitation cheese has the same transportation and handling considerations as natural cheese and can be used in lieu of natural cheese in the manufacture of various food products.

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<sup>1</sup>The ratings are Class 50.1, less truckload, and Classes 35, 35.1 and 35.3, minimum weights 30,000, 36,000 and 45,000 pounds, respectively.

Petitioner avers that the proposed revision of the commodity list in question is generally desired by both shippers and carriers.

The volume of the imitation cheese movement is unknown and the revenue decrease cannot be estimated. However, the rates for this movement will be reduced by approximately 22 percent for less truckload lots and 15 percent for truckload lots.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about March 14, 1975. The petition was listed on the Commission's Daily Calendar of March 29, 1975. 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.

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 August 9, 1975, Sixty-third Revised Page 5 and Third Revised Page 37-AAA, 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 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 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 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 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 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 twenty days after the date hereof.

Dated at San Francisco, California, this 8<sup>th</sup> day of July, 1975.

  
President

  
Commissioner

  
Commissioner

  
Commissioners

Commissioner William Symons, Jr., 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            |
|---|-------------------|--|-----------------|
| Can Ends  | 640               | Coating, roof, other than paint or stain         | 761,767         |
| Candles (M)                                       | 377.5,723-726     | Cocoa  | 318-1,360       |
| Candy   | 318-1,360         | Cocoa Butter                                     | 318-1           |
| Candy coating, other than chocolate               | 360               | Cocoanut, prepared                               | 333.5           |
| Canned Goods                                      | 320-320-1,620-630 | Coffee   | 360             |
| Cans  | 640,772           | Coffee, extract of (condensed or instant), dry   | 360             |
| Caps, post  | 760,764,765       | Coffee Substitutes                               | 360             |
| Carriers (used packages), malt or cereal beverage | 331               | Coloring, Confectioners'                         | 360             |
| Carriers (used packages)                          | 330.4,330.6,331   | Columns  | 318,760,764,765 |
| Castings, rough                                   | 760,764,765       | Compound, cleaning (M)                           | 377.5,723-726   |
| Catsup  | 320-1             | Compound, electrical insulating (M)              | 377.5,723-726   |
| Cement, Concrete or Masonry                       | 761,767           | Compound, metal cutting, drawing or drilling (M) | 377.5,723-726   |
| Cement, pipe fitting (M)                          | 377.5,723-726     | Compound, paint thinning (M)                     | 377.5,723-726   |
| Cement, roofing, liquid or other than liquid      | 761,767           | Compound, pneumatic tire mounting (M)            | 377.5,723-726   |
| Cereal and Nuts combined                          | 360               | Compound, radiator cleaning (M)                  | 377.5,723-726   |
| Cereal Food Preparations (M)                      | 360               | Compound, rust preventing or removing (M)        | 377.5,723-726   |
| Channels  | 318,760,764,765   | Compound, type cleaning (M)                      | 377.5,723-726   |
| Cheese  | 335.5,335.6,335.7 | Compound, waterproofing (M)                      | 761,767         |
| * Cheese, imitation                               | 335.5             | Compounds, ammonia                               | 730-732         |
| Cheese Foods                                      | 335.5             | Compounds, antifreeze (M)                        | 377.5,723-726   |
| Chili, ground                                     | 320               | Compounds, buffing or polishing                  | 730-732         |
| Chips, Wood                                       | 635-636           | Compounds, carbon, gum or sludge removing (M)    | 377.5,723-726   |
| Chloride of Lime Bleach                           | 730-732           | Compounds, Cleaning, Scouring or Washing         | 730-732         |
| Chocolate   | 318-1,360         |  |                 |
| Chocolate Coating                                 | 318-1,360         |  |                 |
| Chowders  | 320               |  |                 |
| Cider (M)   | 335.7             |  |                 |
| Citrus Fruit Juice Powders or Crystals            | 360               |  |                 |
| Coating, candy, other than chocolate              | 360               |  |                 |
| Coating, Chocolate                                | 318-1,360         |  |                 |

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

\*Addition, Decision No.

84647

EFFECTIVE

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

Correction

MINIMUM RATE TARIFF 2

| SECTION 1--RULES OF GENERAL APPLICATION (Continued)   |  | ITEM   |
|---|--|--|
| EXCEPTIONS TO GOVERNING CLASSIFICATION AND<br>EXCEPTION RATINGS TARIFF (Continued)<br><br>(Numbers within parentheses immediately following commodities shown<br>below refer to such commodities as they are described in the corre-<br>sponding item numbers of the Governing Classification.)   |  | Class<br>Rating  |
| § BUTTER, CHEESE, MARGARINE, EDIBLE OIL PRODUCTS<br>AND RELATED PRODUCTS, viz:<br><br>Butter or Margarine (55380)<br>Cheese and Cheese Foods (55470) (Subject to Note 1)<br>Cheese, imitation (72330)<br>Lard, Lard Compounds, Lard Substitutes, Shortening or Vegetable Oil<br>Shortening (134530 or 134550)<br>Monoglycerides, Diglycerides or Triglycerides of Fat-forming Fatty<br>Acids, or mixtures thereof, edible, other than shortening, with<br>or without other edible acids (145020)<br>Oil, cooking or salad (144800, 145100, 145170 or 145190)<br><br>Less truckload-----<br><br>Truckload:<br><br>Minimum Weight 30,000 pounds-----<br><br>Minimum Weight 36,000 pounds-----<br><br>Minimum Weight 45,000 pounds-----  |  | 50.1<br><br><br><br><br><br><br><br><br><br><br>35<br>35.1<br>(1) 35.3 |
| (1) Subject to the following provisions:<br><br>(a) When a shipment is transported on one unit of equipment at one<br>time it is subject to a minimum weight of 45,000 pounds.<br><br>(b) When a shipment is transported in multiple lots subject to<br>Item 85 of this tariff, the initial lot transported on one unit of<br>equipment at one time is subject to a minimum weight of 45,000 pounds<br>and the actual weight of the remaining or following lot or lots shall<br>be rated at the Class 35.3 rate.<br><br>NOTE 1 - Provisions making reference hereto are not applicable in<br>connection with shipments of the following:<br><br>Cheese, viz: Bakers Curd or Cottage Cheese, with or without<br>flavoring, fruit or vegetables, creamed or other than creamed. |  |  |
| § Change        )<br>- Addition     ) Decision No.  |  |  |
| 84647   |  |  |
| EFFECTIVE   |  |  |
| Correction  |  |  |
| ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,<br>SAN FRANCISCO, CALIFORNIA.   |  |  |