

Decision No. 84873

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
 for the purpose of considering and)
 determining revisions in or)
 reissues of Minimum Rate Tariff)
 No. 14.)

Case No. 7857

SUPPLEMENTAL OPINION AND ORDER

On June 6, 1975, there was sent to interested parties for comments or suggestions, a report prepared by the Commission's Transportation Division Freight Economics Branch staff, concerning a revision in Minimum Rate Tariff 14-A (MRT 14-A) which is needed to enable carriers transporting cottonseed to correctly compute the charges when a stop-in-transit is required. The staff field study found that frequently hauls of cottonseed are not transported directly from the ginning plants to the mills but are reconsigned to a point of storage, after a stop-in-transit is made at a mill for sampling.

Current provisions of the tariff do not allow for stopping-in-transit privileges for the transportation of cottonseed. The staff field study indicated, however, that this privilege has been extended to the shippers of cottonseed.

The provisions of Paragraph 1 of Item 190 of MRT 14-A allow for one stop-in-transit for inspection and/or delivery instructions in connection with each shipment of certain specific commodities and allows one hour free time. After the termination of the allotted time period, the charges as set forth in Item 130 of the tariff apply. The staff report states that both the cottonseed carriers and the four cottonseed mills contacted concur that one hour free time appears to be a reasonable period of time in which to perform the necessary sampling-weighing functions. If the functions at the stop-in-transit point should exceed this free period of time, the parties contend

that the charges set forth in Item 130 of MRT 14-A are adequate.

Written comments have been received from the California Trucking Association, Highway Carriers Association, and Wigle and Larimore on behalf of Ranchers Cotton Oil. Approval has been received from the former two, while the latter on behalf of Ranchers Cotton Oil, contends that the provisions presently in the tariff are responsive to shipper and carrier needs, while the proposal would just be another regulation, a principle which the shipper opposes. The staff recommends addition of cottonseed to Item 190 of MRT 14-A and the additional changes as shown in the Appendix of the study. (This will eliminate any contention that these movements constitute separate shipments to and from the point of inspection.) Inasmuch as the revisions merely enable the carriers to correctly compute the applicable transportation charges, there appears to be no grounds for a hearing and the objection of Ranchers Cotton Oil is denied.

Upon consideration of the evidence in this proceeding, the Commission finds that the proposed staff amendments to Minimum Rate Tariff 14-A, are 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 Minimum Rate Tariff 14-A should be amended accordingly by the order herein. In view of the forthcoming cotton harvest this order shall become effective on five days notice.

IT IS ORDERED that:

1. Minimum Rate Tariff 14-A (Appendix A to Decision No. 67397, as amended) is further amended by incorporating therein to become effective September 12, 1975, Seventh Revised Page 13 and Third Revised Page 33 attached hereto and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent they are subject also to Decision No. 67397, 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 September 12, 1975 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 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 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.


5. In all other respects, Decision No. 67397, as amended, shall remain in full force and effect.


The effective date of this order shall be five days after the date hereof.


Dated at San Francisco, California, this 3rd day of September, 1975.



President








Commissioners

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">STOPPING IN TRANSIT</p> <p>101. Shipments of "cottonseed, or of baled hay, fodder or straw:</p> <p>(a) One stop in transit for inspection and/or receipt of delivery instructions will be permitted in connection with each shipment.</p> <p>(b) One hour free time will be allowed for the stop.</p> <p>(c) Charges for time in excess of one hour are provided in Item 130.</p> <p>2. Shipments of whole grain:</p> <p>(a) Two stops in transit for inspection and receipt of delivery instructions or other purposes will be permitted in connection with each shipment.</p> <p>(b) A charge of \$2.65 shall be assessed for the second stop.</p>	6190
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p>1. Common carrier rates may be used instead of the rates shown in this tariff when a lower charge is produced for the same transportation.</p> <p>2. When rail carload rates are used instead of the rates in this tariff, point of origin and point of destination shall be directly served by rail spur track.</p> <p>3. When a rail carload weight is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item. When the rail carload rate is subject to a specified minimum weight, subject to the condition that if the car is loaded to full visible or weight carrying capacity, actual weight will apply, or to actual weight but not less than a lesser carload minimum weight, the actual weight will apply subject to the lesser carload minimum weight, if any.</p> <p>4. The definitions of "point of origin" and "point of destination" in Items 10 and 11 apply in connection with this item.</p> <p>5. When rail switching charges are applicable in connection with line-haul movements by rail and the gross weight of the shipment exceeds the applicable carload minimum weight, only one rail switching charge shall be assessed.</p>	200
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p>1. Common carrier rates may be combined with rates, applicable to the weight of the entire shipment, shown in this tariff when such combinations result in lower charges for the same transportation. (See Note)</p> <p>2. When common carrier rail rates are applied in combination with rates in this tariff, such combination of rates shall be constructed only over a (a) rail team track or (b) any private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service.</p> <p>3. If the route from point or points of origin to the team track or such private railhead, or from the team track or such private railhead to point or points of destination, is within the corporate limits of a single incorporated city, the rates provided in this tariff for transportation for distances of 3 miles or less shall apply from point or points of origin to such railheads or from such railheads to point or points of destination, as the case may be.</p> <p>NOTE.--In the event the provisions of paragraph 2(b) of Item 150 or paragraph 2(b) of Item 160 are used to determine the rates and charges from this tariff for a split pickup shipment or a split delivery shipment, component parts thereof may also be rated as separate shipments, subject to the individual weight of each such separate shipment, to or from any (a) team tracks or (b) private railheads which are owned or leased by the party who contracts with the carrier for the performance of the transportation service, to or from which the common carrier rate used applies, as the case may be.</p>	210
<p> ø Change) * Addition) Decision No. 84873 ø Reduction) </p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 6

DISTANCE COMMODITY RATES

SEEDS, VIZ.: COTTON, FLAX OR SAFFLOWER

Rates in this section are not subject to the following rules of this tariff (*See EXCEPTION):

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130
140
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150151
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161
170
190

*EXCEPTION: Shipments of cottonseed are subject to the provisions of Items 130 and 190 of this tariff.

* Addition, Decision No.

84873

EFFECTIVE

Correction

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