

Decision No. 85505

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Investiga- )  
tion for the purpose of consid- )  
ering and determining minimum )  
rates for transportation of any )  
and all commodities statewide )  
including, but not limited to )  
those rates which are provided )  
in Minimum Rate Tariff 2 and the )  
revisions or reissues thereof. )

Case No. 5432  
Petition for Modification  
No. 875  
(Filed December 19, 1975)

OPINION AND ORDER

David & Sons, Inc. is a manufacturer engaged in the business of processing and distributing confectionery sunflower seeds and kernels to both wholesale and retail customers on a national basis. By this petition, it seeks to have Minimum Rate Tariff 2 amended by establishing therein an exception rating of Class 55 for the transportation of less-truckload shipments of sunflower seeds and kernels.<sup>1</sup> Currently a higher less-truckload rating of Class 65 applies to such transportation.

Petitioner states that sunflower seeds and kernels are similar in nature and shipping characteristics to roasted and salted corn kernels and roasted peanuts and the lower less-truckload rating sought herein applies to the transportation of the latter two commodities. Petitioner alleges that its confectionery sunflower seeds and kernels are in direct competition with said corn kernels and peanuts throughout the industry including the vending machine trade. Petitioner avers that it annually distributes 3,500 to 4,000 tons of sunflower seeds and kernels in California and the difference in the classification ratings between

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<sup>1</sup> Petitioner's proposal is set forth in detail in Exhibit A attached to the petition.

its products and corn kernels and peanuts causes it to operate at a substantial trade disadvantage.

Petitioner declares that its proposal has been discussed with carriers currently involved in the transportation of sunflower seeds and kernels and developed through cooperation with said carriers.

Copy of the petition was mailed to California Trucking Association on or about December 18, 1975. The petition was listed on the Commission's Daily Calendar of December 22, 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 31606, as amended) is further amended by incorporating therein, to become effective April 1, 1976, Forty-eighth Revised Page 6, Fifty-third Revised Page 9 and Thirteenth Revised Page 37-C, 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 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


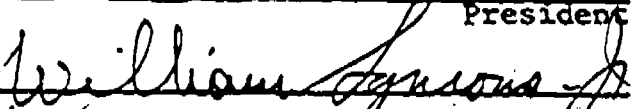



after the effective date of the minimum rate tariff pages incorporated in this order.

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 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 2<sup>nd</sup> day of March, 1976.

  
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President  
  
  
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Commissioners

## 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
Figs, powdered	350	Gelatine	360
**	**	Generators, Electric(M)	365
**	**	Germ, wheat	652-654h
Fish (animal feed)	338	Girders, reinforced concrete	318
Fish, cooked, pickled or preserved	320, 345	Girders, iron or steel	760, 764, 765
Fish, fresh, frozen	775	Glucose	360
Fish Loins, frozen	775	Grain Products as described under the heading "Grain Products" in the Governing Classification	652-654h
Fish, other than fresh or frozen	360	Grate Bars, iron or steel	365
Fish Roe	320	Grit, processed from rock or shell	652-654h
Fittings, Pipe (iron or steel)	365, 378, 760	Groceries and Grocers' Supplies	360
Flavoring Compounds	360	Guides, elevator (iron or steel)	760, 764, 765
Flour, Bean	652-654h	Gum, Chewing	360
Flour, cooked	339	Hangers, joist (iron or steel)	760, 764, 765
Flour, edible	360	Hardware Products	362
Flour, gelatinized	339	Hominy	320-1
Flour, Grain	339	Honey	320, 360
Flour, Potato	339, 652-654h	Hoops, iron or steel	760, 764, 765
Flour, prepared, edible	339, 652-654h	Horseradish	360
Flour, Rice	339, 652-654h	Horseradish, prepared	320-1
Flour, Soybean	339	Hulls, viz.: cocoa bean, cottonseed, nut, sunflower, whole or ground	652-654
Flour, Tapioca	652-654h	Ice	660
Flues, Boiler	365	Ice Cream	335.6
Fondant, Candy	360	Icings	360
Food, Baby	320	Ingot, iron or steel	760, 764, 765
Food, Cereal	360	Ingredients, Dinner or Soup	360
Food, Milk, other than malted, liquid	320	Insecticides(M)	377.5, 723-726
Food, prepared	360	Iron, plate or sheet(M)	365
Food Preparations, Cereal(M)	360	Iron and Steel, structural, fabricated or unfabricated	760, 764, 765
Foodstuffs for human consumption	345, 620, 630	Jam; Jelly	320
Forging, rough (iron or steel)	760, 764, 765	Joints, Sucker Rod (iron or steel)	365
Frames, circular (iron or steel)	760, 764, 765	Joists (reinforced concrete)	318
Fruit (not dried, evaporated nor fresh)	320	Juice, Apple(M)	335.7
Fruit, candied, crystallized, glazed or stuffed	360	Juice, citrus fruit(M)	335.7
Fruit, crushed	320	Juice, Clam	320
Fruits, dried or evaporated	350	Juice, Fruit	320, 335.7
Fruit Drink	320	Juice, grape(M); Juice, prune(M)	335.7
Fruit Juice Powders or Crystals, Citrus	360	Junk (waste paper and rags)	765
Fruit Peel, candied, crystallized, glazed or stuffed	360	*Kernels, sunflower	348
Fruit Syrups	360	Ladder assemblies, tank or tower (iron or steel)	760, 764, 765
Fuel, Wood	729	Lard; Lard Compounds; Lard Substitutes	335.5
Gardening or Landscaping Products	370		
Garlic Chips; Garlic Powder	320		
Gas, petroleum liquefied	377.5, 723-726		
Gears, running, steam boiler(M)	365		

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

\*Addition )  
 \*\*Eliminated ) Decision No. **85505**

EFFECTIVE

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

Correction

## 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
Salad Dressing Preparations, dry	360	Soap, powder	730-732
Salads (M)	335.7	Sodium Hypochlorite Solution	730-732
Salads, Fish, Macaroni, Meat or Vegetable	320-1, 360.5	Softeners, textile	730-732
Salt, common	380, 728.5	Solids, Milk, Cream, Butter-milk or Dry Milk (M)	335.7
Salt (M)	360.5	Solvent (M)	377.5, 723-726
Sandwich Spreads	320-1, 335.7, 345	Solvent, Drain pipe	730-732
Sauce, pepper	320-1	Soups	320
Sauces, basic foods	320-1	Sour, laundry	730-732
Sauces, table	320-1	Soybean Milk Compound	320-1
Sausage	320-1	Spaghetti and Cheese	345
Sausage casings	320-1	Spaghetti, except canned	360.5
Sawdust, Wood	370, 729	Spaghetti (prepared)	320
Sawmill Refuse	729	Spaghetti, dry, and other ingredients	345, 360.5
*Seeds, sunflower	348	Spices	360
Seeds as described under that heading in the Governing Classification	383, 652-654, 690, 710	Spreads, sandwich	320-1, 345
Shakes	370, 729	Stain, wood (M)	377.5, 723-726
Shavings, Wood	760, 764, 765	Starch	730-732
Sheets, black, galvanized, corrugated or plain	685, 690, 691, 710	Steel, plate or sheet	365
Sheets, sawdust or ground wood, compressed	652-654, 652-654, 685, 690, 691, 710, 761, 767	Stout	310, 360
Shells, cocoa bean		Sugar	390, 740, 745
Shells, Nut		Sugar, beet or cane	390
Shingles		Sugar, corn, sorghum grain or wheat	390
Shingles or Siding, asbestos, hard (M)		Supplies, Oil, Water or Gas Well	365
Shoes, riveted or cast	760, 764, 765	Syrup	318-1, 320-1
Shook, box or crate	690, 710	Syrup, Malt	360
Shortening	335.5	Syrups, flavoring or fruit	318-1, 335.7
Slab, building or roofing	318	Syrups, Fruit	360.5
Soap	730-732	Table Sauces	320-1
Soap, liquid (M)	377.5, 723-726	Tankage	759
Soap, liquid	730-732	Tanks, steel	365
		Tapioca	360.5
		Tar (M)	762, 767

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

\* Addition, Decision No.

85505

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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>Foodstuffs, in boxes or bags:</p> <p>Seeds, sunflower, in shell, cooked or roasted, salted or not salted (74730)</p> <p>Kernels, sunflower, cooked or roasted, salted or not salted (73720)</p> <p>Less truckload, subject to Notes 1 through 3-----</p> <p>NOTE 1.--Applies only when all provisions of this item are met. Otherwise, provisions of the Governing Classification shall apply.</p> <p>NOTE 2.--Applies only in connection with prepaid shipments released to one-half of actual value per article. Shipper must enter the following statement on the bill of lading or shipping document as follows:</p> <p>"The agreed or declared value of the property is hereby stated by the shipper to be one-half of actual value per article."</p> <p>If shipper fails or declines to declare such value in writing, the provisions of this item will not apply.</p> <p>NOTE 3.--Rates resulting from application of the provisions of this item may not be used in combination with any other rates.</p>	55	*6348
<p>Fruits, Dried, viz.: (See Items 40 through 42 of this tariff)</p> <p>Apples (77020)</p> <p>Bananas, powdered (77040)</p> <p>Figs, powdered (77120)</p> <p>Fruits, dried or evaporated, NOI, not candied, crystallized, glazed nor stuffed (77140)</p> <p>Peaches, powdered (77240)</p> <p>Peel, grapefruit, lemon or orange, dried, NOI (77300)</p> <p>Prunes, powdered (77360)</p> <p>Nuts, edible, shelled (141760, Sub 1) value declared in writing by the shipper or agreed upon in writing as the released value of the property, as the case may be, must be entered on the shipping document as follows: (See Note 2)</p> <p>"The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding 25 cents per pound for each article."</p> <p>Less truckload -----</p> <p>Truckload:</p> <p>Minimum weight 30,000 pounds-----</p> <p>Minimum weight 42,000 pounds-----</p> <p>NOTE 2.--Shipments subject to rates based on a minimum weight of 30,000 pounds are not subject to the declared or agreed value provisions set forth herein.</p>	<p>50.1</p> <p>35</p> <p>35.2</p>	350
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