

KB

Decision No. 85789

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )	
for the purpose of considering and )	
determining minimum rates for )	
transportation of any and all )	
commodities statewide including, )	
but not limited to those rates )	Case No. 5432
which are provided in Minimum )	
Rate Tariff 2 and the revisions )	
or reissues thereof. )	
And Related Matters )	Case No. 5439
)	Case No. 5441
)	

ORDER DENYING REHEARING

A petition for rehearing of Decisions Nos. 85584, 85585, 85586, and 85587 was filed by California Trucking Association on March 16, 1976. In accordance with Section 1733 of the Public Utilities Code, the Commission suspended the effectiveness of Decisions Nos. 85584, 85585, 85586 and 85587 by the issuance of Decisions Nos. 85694 and 85695 on April 13, 1976.

The Commission having considered each and every allegation of the petition, and being of the opinion that good cause for rehearing has not been made to appear;

IT IS ORDERED that

1. Rehearing of Decisions Nos. 85584, 85585, 85586 and 85587 is hereby denied.

2. Minimum Rate Tariff 2 (Appendix D of Decision No. 31606, as amended) is further amended by incorporating therein, to become effective May 15, 1976, Sixty-fourth Revised Page 14, and Second Revised Page 14-A, which pages are attached hereto and by this reference made a part hereof.



3. Minimum Rate Tariff 1-B (Appendix B of Decision No. 65834, as amended) is further amended by incorporating therein, to become effective May 15, 1976, Seventeenth Revised Page 14, which page is attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff 9-B (Appendix A of Decision No. 67766, as amended) is further amended by incorporating therein, to become effective May 15, 1976, Seventeenth Revised Page 17, which page is attached hereto and by this reference made a part hereof.

5. Minimum Rate Tariff 19 (Appendix A of Decision No. 41363, as amended) is further amended by incorporating therein, to become effective May 15, 1976, Sixteenth Revised Page 15-A, which page is attached hereto and by this reference made a part hereof.

6. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decisions Nos. 31606, 65834, 67766 and 41363, as amended, are hereby authorized to establish in their tariffs the revisions necessary to conform with the further adjustments ordered herein.

7. Tariff publications authorized to be made by common carriers as a result of the order herein 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.

8. 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.



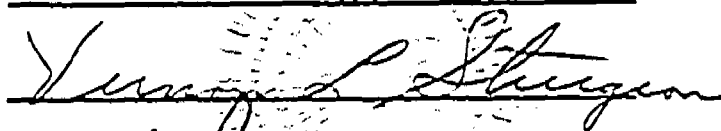
KB C. 5432, et al.

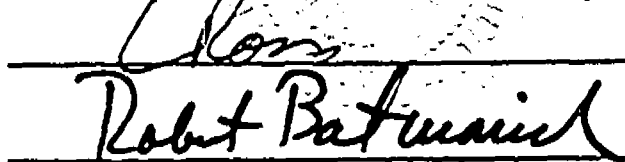
9. In all other respects Decisions Nos. 31606, 65834, 67766 and 41363, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of MAY, 1976.

  
President

  
Commissioner

  
Robert Bateman  
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.



SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 30, 31 and 32)</p> <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities:</p> <p>Automobiles, set up (when rates are not otherwise provided in Minimum Rate Tariff 12)</p> <p>*Bodies, automobile, flattened</p> <p>Concrete transported in motor vehicles equipped for mechanical mixing in transit</p> <p>Fruits and vegetables, fresh or green, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8)</p> <p>Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores</p> <p>Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses</p> <p>Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (the terms "tank trucks, tank trailers and tank semitrailers" include any truck, trailer or semitrailer with carrier or shipper provided collapsible tanks or bags 20 feet or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity)</p> <p>Motor vehicles when towed by a tow car</p> <p>Mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8)</p> <p>Nuts, in the shell (when rates are not otherwise provided in Minimum Rate Tariff 8)</p> <p>Nuts, field shelled (when rates are not otherwise provided in Minimum Rate Tariff 8)</p> <p>Poultry, live</p> <p>Telephone directories, new, distributed to subscribers, and old, picked up from subscribers</p> <p>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</p> <p>*Vans, sea, viz.: A container not owned or furnished by the motor carrier, into which merchandise may be loaded for transportation, of not less than 800 cubic feet inside dimensions, and having either origin or destination at a port within the State of California. This exemption also applies to: (1) the movement of such container from any point in California to any other point in California when the purpose of such movement is to position the container for an export load or to return the empty container from which an import shipment has been unloaded to a sea van pool facility and (2) the movement of shipper-furnished chassis when such movement is in connection with the exempt transportation of sea vans as described herein.</p> <p>Voting booths, ballot boxes, election tents and election supplies, when transported from or to polling places</p> <p style="text-align: center;">(Continued in Item 32)</p>	331
<p>           ø Change        )            * Addition    ) Decision No. <b>85789</b> </p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>



SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 40, 41 and 42)</p> <p>Except as otherwise specifically provided in this tariff, rates named herein apply for the transportation of all commodities except as provided in Paragraphs 1, 2 or 3 below:</p> <p>1. Rates in this tariff will not apply to the transportation of commodities when subject to the rates provided in the following minimum rate tariffs (or successive issues thereof):</p> <ul style="list-style-type: none"> <li>3-A - Livestock</li> <li>4-B - Used household goods, personal effects and office, store and institution furniture, fixtures and equipment</li> <li>6-A - Petroleum and petroleum products, as described, when transported in bulk in tank trucks, tank trailers or tank semitrailers</li> <li>7-A - Property, as described, when transported in dump truck equipment</li> <li>8 - Fresh fruits, fresh vegetables and specified empty containers</li> <li>10 - Cement and other specified commodities</li> <li>11-A - Uncrated new furniture</li> <li>12 - Motor vehicles, as described in secondary movement by truckaway service</li> <li>13 - Commodities transported by vacuum-type and pump-type tank vehicles</li> <li>14-A - Specified agricultural commodities, in bulk</li> <li>15 - Yearly, monthly, weekly and hourly vehicle unit rates</li> <li>17-A - Property, as described when transported in dump truck equipment - Southern California</li> <li>18 - Trailer coaches and campers</li> <li>20 - Rock, sand and gravel in dump truck equipment - Northern California</li> </ul> <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities:</p> <ul style="list-style-type: none"> <li>Accessories, motion picture</li> <li>Automobiles, set up (when rates are not otherwise provided in Minimum Rate Tariff 12)</li> <li>Baggage</li> <li>Bodies, automobile, flattened</li> <li>Buttermilk, liquid (subject to Note 1)</li> <li>Carriers (used packages), as described in Items 320 and 321 of the Exception Ratings Tariff, empty returning or forwarded for return loads (subject to Note 2)</li> <li>Cement Clinker</li> <li>Concrete transported in motor vehicles equipped for mechanical mixing in transit</li> <li>Cottage Cheese (subject to Note 1)</li> <li>Cotton</li> <li>Cream (subject to Note 1)</li> <li>Directories, telephone</li> <li>Eggs, other than shelled, desiccated or frozen (subject to Note 3)</li> <li>Fertilizers, as described in Items 540, 560 and 580 of the Exception Ratings Tariff</li> <li>Film, motion picture</li> <li>Fruit, dried, unmanufactured and unprocessed (subject to Note 3)</li> <li>Fruit, fresh or green, including dates, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8)</li> <li>Fruit, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled fruit</li> <li>Fungicides, agricultural</li> <li>Furniture, household appliances and other home furnishings which have been sold at retail by a retail merchant, transported from retail stores or retail store warehouses, or transported from retail customers to retail stores or retail store warehouses (subject to Note 4)</li> <li>Furniture, uncrated, new, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services</li> <li>Hops</li> <li>Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses</li> <li>Hulls, almond, including shells and other waste from the hulling and shelling of almonds, not processed for use as animal or poultry feed</li> <li>Ice Cream Mix, unflavored (subject to Note 1)</li> <li>Insecticides, agricultural</li> <li>Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less</li> </ul> <p style="text-align: right;">(Continued in Item 41)</p>	#40
<div style="display: flex; justify-content: space-between;"> <span>* Change</span> <span>)</span> <span>Decision No.</span> </div> <div style="display: flex; justify-content: space-between;"> <span>* Addition</span> <span>)</span> <span><b>85789</b></span> </div>	
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<div style="display: flex; justify-content: space-between;"> <span>Correction</span> <span>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</span> </div>	



SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-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"> <li>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 semitrailers" include truck, trailer or semitrailer 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)</li> <li>Livestock (when rates are not otherwise provided in Minimum Rate Tariff 3-A)</li> <li>Logs (wood)</li> <li>Milk, liquid (subject to Note 1)</li> <li>Newspapers, newspaper supplements, sections or inserts (not scrap or waste)</li> <li>Nuts, in the shell (when rates are not otherwise provided in Minimum Rate Tariff 8)</li> <li>Nuts, field shelled (when rates are not otherwise provided in Minimum Rate Tariff 8)</li> <li>Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less</li> <li>Pits, fruit</li> <li>Pot Cheese (subject to Note 1)</li> <li>Poultry, live</li> <li>Sea shells, crushed, ground, powdered or disintegrated (subject to Note 5)</li> <li>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</li> <li>Shell Marl, crushed, ground or powdered (subject to Note 5)</li> <li>Shells, walnut</li> <li>Sulphur</li> <li>United States mail transported for the Post Office Department under contract</li> <li>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</li> <li>*Vans, sea, viz.: A container not owned or furnished by the motor carrier, into which merchandise may be loaded for transportation, of not less than 800 cubic feet inside dimensions, and having either origin or destination at a port within the State of California. This exemption also applies to: (1) the movement of such container from any point in California to any other point in California when the purpose of such movement is to position the container for an export load or to return the empty container from which an import shipment has been unloaded to a sea van pool facility and (2) the movement of shipper-furnished chassis when such movement is in connection with the exempt transportation of sea vans as described herein.</li> <li>Vegetables, fresh or green, including mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8)</li> <li>Vegetables, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled vegetable</li> <li>Vegetables, dried, unmanufactured, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper Pods</li> <li>Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places</li> </ul> <p style="text-align: center;">(Continued in Item 41)</p>	<p style="text-align: center;">41</p>
<p>Change * Addition</p>	<p>Decision No. <b>85789</b></p>
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction



SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 50, 51 and 52)</p> <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities:</p> <ul style="list-style-type: none"> <li>Accessories, motion picture</li> <li>Animals, live</li> <li>Automobiles, freight or passenger, set up (when rates are not otherwise provided in Minimum Rate Tariff 12)</li> <li>Baggage</li> <li>*Bodies, automobile, flattened</li> <li>Carriers, used packages, empty, returning from an outbound paying load of traffic for which no rates are provided in this tariff, or forwarded for a return paying load of traffic for which no rates are provided in this tariff</li> <li>Concrete transported in motor vehicles equipped for mechanical mixing in transit</li> <li>Cotton, in bales</li> <li>Cotton Linters, in bales</li> <li>Film, motion picture</li> <li>Fruits, fresh or green, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8)</li> <li>Furniture, household appliances and other home furnishings transported from retail stores or retail store warehouses where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores, or retail store warehouses</li> <li>Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses</li> <li>Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (the terms "tank trucks, tank trailers and tank semitrailers" include any truck, trailer or semitrailer with carrier or shipper provided collapsible tanks or bags, 20 feet or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity)</li> <li>Mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8)</li> <li>Newspapers, newspaper supplements, sections or inserts (not scrap nor waste)</li> <li>Nuts, in the shell (when rates are not otherwise provided in Minimum Rate Tariff 8)</li> <li>Nuts, field shelled (when rates are not otherwise provided in Minimum Rate Tariff 8)</li> <li>Optical goods, as described in Items 41600, 41610, 57820, 57940, 58090, 58110 and 58320 of the Governing Classification, and prescription order forms, transported from or to wholesale houses in packages weighing 10 pounds or less when transported in vehicles not exceeding a licensed weight of 4,000 pounds</li> <li>Poultry, live</li> <li>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</li> <li>*Vans, sea, viz.: A container not owned or furnished by the motor carrier, into which merchandise may be loaded for transportation, of not less than 800 cubic feet inside dimensions, and having either origin or destination at a port within the State of California. This exemption also applies to:               <ul style="list-style-type: none"> <li>(1) the movement of such container from any point in California to any other point in California when the purpose of such movement is to position the container for an export load or to return the empty container from which an import shipment has been unloaded to a sea van pool facility and (2) the movement of shipper-furnished chassis when such movement is in connection with the exempt transportation of sea vans as described herein.</li> </ul> </li> <li>Vegetables, fresh or green, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8)</li> <li>Vehicles, disabled, when transported by towing</li> <li>Voting booths, ballot boxes, election tents, and election supplies when transported from or to polling places</li> </ul> <p style="text-align: center;">(Continued in Item 52)</p>	<p>51</p>
Change ) Addition )      Decision No.	<b>85789</b>
EFFECTIVE	
Correction      ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, <div style="text-align: right;">SAN FRANCISCO, CALIFORNIA.</div>	



SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 50, 51 and 52)</p> <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities:</p> <p>Accessories and supplies, motion picture; film, motion picture Automobiles, set up (when rates are not otherwise provided in Minimum Rate Tariff 12) Baggage *Bodies, automobile, flattened Concrete transported in motor vehicles equipped for mechanical mixing in transit Fat, sweet cream, concentrated, frozen Fruits and vegetables, fresh or green, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8) Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores Houses which have been disengaged from their foundations, or sections thereof, and integral parts or contents when the contents are transported within the houses Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (the terms "tank trucks, tank trailers and tank semitrailers" include any truck, trailer or semitrailer with carrier or shipper provided collapsible tanks 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) Motor vehicles when towed by a tow car Mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8) Newspapers, newspaper supplements, sections or inserts (not scrap nor 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) Poultry, live Printed Matter, viz.: Advertising Matter, Books, Directories, Magazines, Pamphlets, Periodicals, Rating Books, Registers or Services; when tendered to one carrier at one time in a single lot consisting of identical articles for distribution to not less than eight separate addresses and where the weight of each delivery does not exceed 25 pounds Telephone Directories, new, distributed to subscribers; old, picked up from subscribers 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 *Vans, sea, viz.: A container not owned or furnished by the motor carrier, into which merchandise may be loaded for transportation, of not less than 800 cubic feet inside dimensions, and having either origin or destination at a port within the State of California. This exemption also applies to: (1) the movement of such container from any point in California to any other point in California when the purpose of such movement is to position the container for an export load or to return the empty container from which import shipment has been unloaded to a sea van pool facility and (2) the movement of shipper-furnished chassis when such movement is in connection with the exempt transportation of sea vans as described herein. Voting booths, ballot boxes, election tents and election supplies, when transported from or to polling places</p> <p style="text-align: center;">(Continued in Item 52)</p>	<p>51</p>
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