

Decision No. 86144

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)	
tion for the purpose of consid-)	Case No. 7858
ering and determining revisions)	(Petition for Modification
in or reissues of Exception)	No. 210)
Ratings Tariff No. 1.)	(Filed June 14, 1976)

OPINION AND ORDER

Exception Ratings Tariff 1 (ERT 1) contains various interim exception ratings, which apply in lieu of those named in National Motor Freight Classification NMF 100-C and governs various minimum rate tariffs making specific reference thereto.¹

By the above petition, Elanco Products Company, a division of Eli Lilly and Company, and Stauffer Chemical Company seek to extend the expiration date governing the truckload exception rating of Class 35.4, minimum weight 45,000 pounds, in ERT 1 on "tree or weed killing compounds, NOI" from June 30, 1976 to June 30, 1977.

Petitioners state that they intended, through consultation with highway carriers, to have a permanent rating established by this time but their objective has not yet been attained. They aver that there is a continued need for the aforementioned exception rating.

Copies of the petition were mailed to California Manufacturers Association and California Trucking Association on or about June 11, 1976. The petition was listed on the Commission's Daily Calendar of June 15, 1976. No objection to the granting of the petition has been received.

¹ Minimum Rate Tariffs 1-B, 2, 9-B and 19.

In the circumstances, the Commission finds that petitioners' proposal is reasonable and justified to the extent hereinafter indicated. The involved exception rating has been in effect on a temporary basis since January 3, 1970, and was last modified on July 1, 1971. This exception rating will be made permanent as procedures are available to petitioners in the event that they may desire to modify or cancel said exception rating in the future. A public hearing is not necessary. The Commission concludes that the petition should be granted to the extent hereinafter indicated and the effective date of this order should be the date hereof because there is an immediate need for the reestablishment of this exception rating.

IT IS ORDERED that:


1. Exception Ratings Tariff 1 (Appendix A to Decision 66195, as amended) is further amended by incorporating therein, to become effective July 31, 1976, Thirty-eighth Revised Page 3 and Sixteenth Revised Page 20 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 66195, 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 may be made effective 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 rating authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the

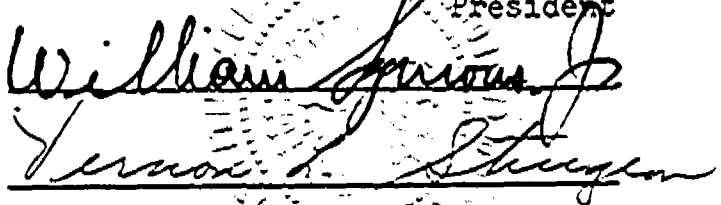
extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rating published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects, Decision 66195, 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 19th day of July, 1976.



President


Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Robert Batinovitch, being necessarily absent, did not participate in the disposition of this proceeding.

INDEX OF COMMODITIES

COMMODITIES	ITEM	COMMODITIES	ITEM
Acids	1200	Machines, Business or Office	1850
Articles as described in the Governing Classification	1030-1050	Machines, Copying, Duplicating or Reproducing	1850
Blankets	1800	Pads, sanitary	755
Carriers, used packages	320,321,340	Paper Articles	1640
Cartons, egg, pulp	270	Recorders, tape	1850
Chemicals	1320		
Confectionery	480	Salt, common	
*Compounds, tree or weed killing	460	(Sodium Chloride)	880
Fertilizers	540,560,580	Sheeting, plastic	490
Filler Flats, Egg		Shipments, returned	820
Case or Egg Carrier	450	Sod, chopped or not chopped	860
Film, plastic	490	Strontium Nitrate	870
Flowers, fresh, cut	592	Sugar	940
Kindling, fire, wood	600	Wood, fuel	600
Logs, compressed sawdust	600		

* Addition, Decision No.

86144

EFFECTIVE

Correction

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

EXCEPTION RATINGS TARIFF 1

SECTION 2--RATINGS WHICH ARE EXCEPTIONS TO THE GC (Continued)		ITEM
(Numbers with parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)		
ARTICLES	Rating	
<p>Egg Case or Egg Carrier Filler Flats (fillers and flats combined) molded woodpulp, nested, in packages (60360)</p> <p>Truckload: Minimum Weight 24,000 pounds (Subject to Note)-----</p> <p>NOTE--Minimum Weight applies to each unit of carrier's equipment used in the transportation of a single shipment. A unit of equipment includes any motor truck or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles operated as a single unit.</p>	60	450
<p>Compounds, tree or weed killing (Herbicides), NOI, (50320), see Notes 1 through 8:</p> <p>Truckload: Minimum Weight 45,000 pounds-----</p> <p>NOTE 1.--Applies only when all provisions of the following notes are met. Otherwise, provisions of the Governing Classification shall apply.</p> <p>NOTE 2.--Rates resulting from application of the provisions of this item do not alternate with other rates and charges and may not be used in combination with any other rates.</p> <p>NOTE 3.--Applies only in connection with prepaid shipments released to 50¢ per pound per article. Shipper must enter the following statement on the bill of lading or shipping document:</p> <p>"The agreed or declared value of the property is hereby stated by the shipper to be not exceeding 50¢ per pound, for each 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 4.--Applies only in connection with shipments loaded by consignor and unloaded by consignee with power equipment, furnished and used without expense to the carrier. In such circumstances, physical assistance of carrier employee is restricted to work within or on carrier's equipment and does not include stacking, unstacking, removal or placement of merchandise on pallets.</p> <p>NOTE 5.--The free weight of pallets containing commodities moving under provisions of this item is limited to 5 percent of the weight on which transportation charges are computed.</p> <p>NOTE 6.--If more than one vehicle or combination of vehicles constituting a single unit of carrier's equipment is used for the transportation of a single shipment moving under rates in this item, each such vehicle or combination of vehicles shall be subject to the highest minimum weight applicable to any rate used in computing charges.</p> <p>NOTE 7.--Not more than 3 component parts shall be permitted in connection with shipments moving in split pickup or split delivery service.</p> <p>NOTE 8.--When moving in mixed shipments with other commodities, the entire shipment shall be subject to the provisions of Notes 4 and 6 hereof.</p>	35.4	0460
<p>o Reduction, Decision No. 86144</p>		
EFFECTIVE		
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>		
Correction		