

Decision 89 05 019 MAY 10 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Dent Trucking, a
California corporation, for an order
of the Commission exempting mushroom
compost from rate regulation.

Application 89-01-001
(Filed January 3, 1989)
Mailed

MAY 11 1989

O P I N I O N

Dent Trucking, Inc. (Dent) seeks an order exempting spent mushroom compost from rate regulation. Dent hauls the commodity in question from mushroom producers to firms which sell soil amendments to amateur and professional gardeners.

This commodity is a by-product of mushroom production. It begins as a prepared compound, the main ingredient of which is horse manure. After a period of use in the mushroom beds the compound deteriorates and is no longer rich enough for growing mushrooms. However, it retains enough fertilizing capacity for use in growing plants. In such an application it functions both as fertilizer and as soil amendment. Thus the product is a waste product for mushroom growers but a useful commodity for gardeners.

Dent points out the similarity of this commodity to others which are exempt under Decision (D.) 82-06-091. The list includes fertilizer, animal manure, and specifically named soil amendments.

Dent alleges that this product is both clean and light; it is also easy to load at mushroom factories. Consequently, it is less costly to haul than normal dump truck commodities. It also notes that there is a limited quantity of the product available; the amount shipped is governed by conditions in the mushroom market, not by the rates for hauling the spent compost. It also notes that the product competes with other products which are exempt. Finally, it alleges that mushroom production is

traditionally limited to areas near concentrated sources of horse manure, such as race tracks.

Staff issued an advice of participation on February 28, 1989 indicating that this is a matter which should be resolved by an ex parte order. The application was noticed in the Commission's Transportation Calendar on January 6, 1989. No protests have been received.

Findings of Fact

1. Spent mushroom compost is similar in use and transportation characteristics to other commodities which are now rate exempt.
2. Spent mushroom compost is competitive with those commodities.
3. No protests have been received and no hearing is necessary.
4. Since rate relief is at issue, the order should be effective today.

Conclusion of Law

The application should be granted as set forth in the following order.

ORDER

IT IS ORDERED that:

1. The document "Commodities and Geographic Areas Exempt from Rate Regulation" is amended by incorporating First Revised Page 12, attached, to become effective 21 days after today.
2. Tariff publications authorized to be made by common carriers as a result of this order shall be made effective not earlier than 21 days after today, and may be made effective on not less than 5 days' notice to the Commission and to the public if filed not later than 60 days after the effective date of the minimum rate tariff pages incorporated in this order.

3. In all other respects D.82-06-091, as amended, shall remain in full force and effect.

4. The Executive Director shall mail a copy of the revision to the list of "Commodities and Geographic Areas Exempt from Rate Regulation" to each highway common carrier and each highway contract carrier.

This order is effective today.

Dated MAY 10 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

[Signature]
Vernon Weiszer, Executive Director

BB

SECTION 4--EXPLANATORY NOTES (Continued)

7. (Concluded)

Cores, in bags, bundles, boxes, or crates, less truckload; loose or in packages, truckload,
 Crates,
 Cylinders, acid, ammonia, glycerine or gas, loose or in packages,
 Demijohns, in barrels, boxes or crates, with or without tops,
 Jugs, in barrels, boxes or crates, less truckload; in packages, named or packed in excelsior, hay straw or other similar material, truckload,
 Kegs, loose,
 Packing Cushions or Pads:
 Shipping, Cotton or Jute, cloth covered, in bundles or packages,
 Pails, iron or steel,
 Pallets, metal or wooden, shipping, including inside spacers or supports for palletized loads,
 Pallets, Platforms or Skids, for lift trucks, iron, steel or wood, or combined with fixed bodies or enclosure or with standing ends, sides, stakes or standards, loose or in packages, or without bodies, enclosures, standing ends, sides, stakes or standards, loose or in packages,
 Punchoons, loose,
 Quicksilver Flasks, iron or steel, loose or in packages,
 Racks, shipping, engine cooling radiator, SU or KD,
 Reels, loose,
 Skids, iron, steel or wooden,
 Spools, NOIBN, metallic, in bags, barrels, boxes, or crates, less truckload; loose or in packages, truckload,
 Spools, NOIBN, wooden, in bags, barrels, boxes or crates, less truckload; in packages named, truckload,
 Tierces, loose,
 Vans (other than lift), knocked down or folded, loose, including pads or wrapping for packing.

8. Fertilizers, viz.:

Fertilizing Compounds (manufactured fertilizers), liquid, NOIBN, in bulk in barrels.

Fertilizer (See Note A), viz.:

Fertilizer Compounds (manufactured fertilizers), NOIBN in the CC,
 Ashes, incinerator, in packages or in bulk,
 Ashes, wood, in packages, or in bulk,
 Beet Sugar Refinery Waste, concentrated, mixed or not mixed with
 Lime Refuse, dry in bulk or in sacks; liquid, in barrels,
 Blood, dried, in bags or barrels,
 Bone Black, spent, in barrels, boxes or bags,
 Gypsum, crushed, ground or powdered,
 Lime Refuse, in packages or in bulk,
 Manure, animal, NOIBN in the CC,
 Manure, domestic fowl, in packages or in bulk,
 Meal, refuse raiain seed, in bags,
 Mold, leaf,
 *Mushroom compost (spent, no longer suitable for mushroom growth)
 Pomace, grape, in packages or in bulk,
 Root, phosphate, in packages or in bulk,
 Scourings, sheep wool, in bags or in bulk,
 Screenings, sheep wool, in bags or in bulk,
 Sea Shells, crushed, ground or powdered,
 Super-phosphates, in packages or in bulk,
 Tannage, garbage, dry, in bags, or in bulk,
 Tannage, packing-house, dry, in bags, or in bulk.

* Addition, Decision.

89 65 619

EFFECTIVE

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