

ORIGINAL

Decision No. 86830

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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. 921  
 (Filed October 8, 1976)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, California Trucking Association seeks to have MRT 2 amended by establishing therein truckload exception ratings of Class 35.1 and Class 35.2 on shipments of frozen fruits and vegetables based on minimum weights of 36,000 pounds and 42,000 pounds, respectively.<sup>1</sup>

Petitioner states that there are greater volumes of this type of freight moving in California than elsewhere due to the agriculturally oriented economy of the State and the favorable year-round growing and packing conditions. Petitioner avers that its proposal recognizes the potential for traffic diversion to proprietary carriage and the levels of efficiency experienced by carriers in the loading processes involving these products. Petitioner declares that its proposal is reflective of the interests of shippers, carriers and the public generally.

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<sup>1</sup> The proposed ratings are set forth in detail in Exhibit A attached to the petition.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about October 7, 1976. The petition was listed on the Commission's Daily Calendar of October 12, 1976. Ted Peters Trucking Company, Inc., has informed the Commission by letter that it supports petitioner's proposal. 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 and the effective date of this order should be the date hereof because there is an immediate need for this relief.

A minor change not related to the subject matter of the petition will be made in one of the tariff pages herein being revised.<sup>2</sup>

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 January 17, 1977 Fiftieth Revised Page 6, Fifteenth Revised Page 9-A, Fifth Revised Page 27, Original Page 37-EBBB and Fourteenth 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.

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<sup>2</sup> Supplement 120 was inadvertently cancelled. Item 250 of MRT 2 will be revised to reflect the intent of Supplement 120. Also the term, "Saturday half-holidays," is obsolete and will be deleted from said item.

3. Tariff publications authorized to be made by common carriers as a result of the order herein may be made effective not earlier than the fifth day after the effective date of this order and may be made effective on not less than five 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 is the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of January, 1977.

Robert Bateman  
President  
William S. Quinn, Jr.  
Yunus D. Sturgeon  
Leonard R. ...  
Commissioners

MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p>(1) COLLECTION OF CHARGES</p> <p>(a) Except as otherwise provided in this rule, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</p> <p>§ (b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called debtors, for a period of 7 days, excluding Sundays and legal holidays**. When the freight bill covering a shipment is presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.</p> <p>(c) Where a carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.</p> <p>(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p> <p>(1) Will not apply to the transportation of property for the United States, state, county or municipal governments.</p>	<p>#250</p>
<p>(1) Suspended by Supplement 120</p> <p>§ Change )        Δ Change, neither )          increase nor )          reduction )        ** Eliminated )</p> <p>Decision No. <b>86830</b></p>	
<p>Correction</p> <p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,        SAN FRANCISCO, CALIFORNIA.</p>	

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
Food, prepared	360	Hair Goods (M)	395-397
Food Preparations, Cereal (M)	360	Hand Bags (M)	395-397
Foodstuffs for human consumption	345, 620, 630	Hangers, joist (iron or steel)	760, 764, 765
Forging, rough (iron or steel)	760, 764, 765	Hardware Products and related items	362
Forms (M)	395-397	Hat Boxes (M)	395-397
Frames, circular (iron or steel)	760, 764, 765	Hinges, steel	362
Fruit (not dried, evaporated nor fresh)	320	Holders, disinfectant, or deodorant NOI	395-397
Fruit, candied, crystallized, glazed or stuffed	360	Holders, silverware (M)	395-397
Fruit, crushed	320	Hominy	320-1
Fruits, dried or evaporated	350	Honey	320, 360
*Fruits, frozen	351	Hoops, iron or steel	760, 764, 765
Fruit Drink	320	Horseradish	360
Fruit Juice Powders or Crystals, Citrus	360	Horseradish, prepared	320-1
Fruit Peel, candied, crystallized, glazed or stuffed	360	Hulls, viz.: cocoa bean, cottonseed, nut, sunflower, whole or ground	652-654
Fruit Syrups	360	Humus	370
Fuel, Wood	729		
Games	355	Ice	660
Games (M)	395-397	Ice Cream	335.6
Gardening or Landscaping Products	370	Icings	360
Garlic Chips; Garlic Powder	320	Ingots, iron or steel	760, 764, 765
Gas, petroleum liquefied	377.5, 723-726	Ingredients, Dinner or Soup	360
Gears, running, steam boiler (M)	365	Insecticides (M)	377.5, 723-726
Gelatine	360	Iron, plate or sheet	365
Generators, Electric (M)	365	Iron and Steel, structural, fabricated or unfabricated	760, 764, 765
Germ, wheat	652-654		
Girders, reinforced concrete	318	Jam; Jelly	320
Girders, iron or steel	760, 764, 765	Jewelry, costume and novelty (M)	395-397
Glassware, NOI (M)	395-397	Joints, Sucker Rod (iron or steel)	365
Glucose	360	Joists (reinforced concrete)	318
Grain Products as described under the heading "Grain Products" in the Governing Classification	652-654	Juice, Apple (M)	335.7
Grate Bars, iron or steel	365	Juice, citrus fruit (M)	335.7
Grit, processed from rock or shell	652-654	Juice, Clam	320
Groceries and Grocers' Supplies	360	Juice, Fruit	320, 335.7
Guides, elevator (iron or steel)	760, 764, 765	Juice, grape (M); Juice, prune (M)	335.7
Gum, Chewing	360	Junk (waste paper and rags)	765
		Kernels, sunflower	348
		Kits (M)	395-397
		Knobs, door or drawer, metal	362
		Ladder assemblies, tank or tower (iron or steel)	760, 764, 765
		Lard; Lard Compounds; Lard Substitutes	335.5
		Latches, metal	362

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

\* Addition, Decision No.

**86830**

EFFECTIVE

Correction

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

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
Tea	360.5	Vaults, Grave	334.8
Tea, extract of (condensed or instant), dry	360.5	Vaults, Utility	334.8
Tees	760,764,765	Vegetable Oil Shortening	335.5
Tickets (M)	395-397	*Vegetables, frozen	351
Ties, bale	760,764,765	Vegetables (not dehydrated, dried, evaporated nor fresh)	320-1
Ties, railroad	690,710	Veneering	690,700,710
Timbers	690,700,710	Vermicelli, except canned	360.5
Tinplate	760,764,765	Vermicelli (prepared)	320
Tire Tubes (M)	377.5,723-726	Vermicelli, dry, and other ingredients	345,360
Tires, Pneumatic (M)	377.5,723-726	Vermouth	400
Toilet Preparations and other Articles (M)	395-397	Vinegar	320-1
Tools, Mechanics' (M)	365	Wallboard, other than plasterboard	762,767
Towers, Water Cooling, Atmospheric (M)	365	Washers	760,764,765
Toys	355	Washing Powders	730-732
Toys (M)	395-397	Washing Soda	730-732
Trays, plastic (M)	395-397	Wax, automobile, boat, floor or furniture (M)	377.5,723-726
Triglycerides of Fat-forming Fatty Acids	335.5	Wax, boat, floor, furniture or vehicle	730-732
Trisodium Phosphate	730-732	Wax, Laundry Compound	360.5
Trucks, Steam Boiler (M)	365	Weights	760,764,765
Trusses	760,764,765	Welsh Rarebit	320-1
Tubes, Boiler	365	Wheat Germ	652-654h
Tubing, iron or steel, cast or wrought, plate or sheet	365	Whey	345
Tubing, iron or steel, well casing or drilling	365	Wine	360,400
Tubing, pier	760,764,765	Wine, cooking	320-1
Tubs, Woodenware	758	Wire	760,764,765
Turnbuckles	760,764,765	Wood Preservatives (M)	377.5,723-726
Urea	652-654h	**	
Valves, iron or brass (M)	365	Yeast or Yeast Powder	360.5
Valves, Pump Working Barrel	365	Zees	760,764,765

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

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

86830

EFFECTIVE

Correction

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Continued)	Class Rating	
<p>(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.)</p>		
<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 (1/2) 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	(1) 348
<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>	50.1  35 35.2	(1) 350
<p>(1) Items 348 and 350 transferred from Thirteenth Revised Page 37-C, Decision No.</p>		
<p><b>86830</b></p>		
<p>EFFECTIVE</p>		
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>		
<p>Correction</p>		

MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">EXCEPTIONS TO GOVERNING CLASSIFICATION AND            EXCEPTION RATINGS TARIFF (Continued)</p> <p>(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.)</p>	<p style="text-align: center;">Class            Rating</p>
<p>Fruits (including Berries), fresh frozen (73280)            Vegetables, fresh or green, frozen (75340)            Fruits, Berries or Vegetables, prepared, frozen (73180)</p> <p>Truckload:            Minimum Weight 36,000 pounds-----            Minimum Weight 42,000 pounds, subject to-----            Notes 1 through 8-----</p> <p>NOTE 1.--Applies only in connection with prepaid shipments.</p> <p>NOTE 2.--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 3.--When moving in mixed shipments with other commodities not named in this item, the entire shipment shall be subject to the provisions of Notes 1 through 8.</p> <p>NOTE 4.--Not more than six component parts shall be permitted in connection with shipments moving in split pickup or split delivery service.</p> <p>NOTE 5.--Rates resulting from application of the provisions of this item may not be used in combination with any other rates.</p> <p>NOTE 6.--The provisions of this item shall not apply in connection with shipments subject to Collect on Delivery (C.O.D.) Service, Special C.O.D. Service or Order Notify Service.</p> <p>NOTE 7.--The carrier's maximum liability in connection with shipments transported under provisions of this item shall be 50 cents per pound, per article.</p> <p>NOTE 8.--The provisions of this item shall apply only when shipper annotates the bill of lading with the words:            "Frozen produce incentive rates requested."</p> <p>By such annotation and request, the shipper agrees to the requirements of this item as a prerequisite to application of the provisions herein.</p>	<p style="text-align: center;">35.1            35.2</p> <p style="text-align: right;">*351</p>
<p>(1) Items 348 and 350 formerly on this page transferred to Original Page 37-BBBB.            * Addition, Decision No.</p> <p style="text-align: center; font-size: 2em;"><b>86830</b></p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction