

Decision No. 86922

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)

SUPPLEMENTAL 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 Decision 86830, dated January 5, 1977 exception ratings of Class 35.1 and Class 35.2 on shipments of frozen fruits and vegetables were established.

It has come to the Commission's attention that the provisions governing the application of the aforementioned exception ratings do not reflect the intent of said decision.

In the circumstances, the Commission finds that the necessary correction should be made by the order herein. A public hearing is not necessary. The Commission concludes that MRT 2 should be amended accordingly and the effective date of this order should be the date hereof because there is an immediate need for this relief.

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 February 12, 1977, Fifteenth 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 required or authorized to be made by common carriers as a result of this order shall be made effective not earlier than the first day after the effective date of this order on not less than one day's notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than February 12, 1977; and as to tariff publications which are authorized but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

4. 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 13th day of February, 1977.

Robert Bateman
President

[Signature]

Nicholas D. Gavelle
Commissioners

I dissent as to the effective date:
William Squan Jr

I dissent only to the effective date
Vernon L. Sturgeon

MINIMUM RATE TARIFF 2

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 cor- responding item numbers of the Governing Classification.)		Class Rating
Fruits (including Berries), fresh frozen (73280) Vegetables, fresh or green, frozen (75340) Fruits, Berries or Vegetables, prepared, frozen (73180) #Truckload (Subject to Notes 1 through 8): Minimum Weight 36,000 pounds----- Minimum Weight 42,000 pounds-----		35.1 35.2
NOTE 1.--Applies only in connection with prepaid shipments. 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. 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. NOTE 4.--Not more than six component parts shall be permitted in connection with shipments moving in split pickup or split delivery service. NOTE 5.--Rates resulting from application of the provisions of this item may not be used in combination with any other rates. NOTE 6.--The provisions of this item shall not apply in con- nection with shipments subject to Collect on Delivery (C.O.D.) Service, Special C.O.D. Service or Order Notify Service. 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. 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." By such annotation and request, the shipper agrees to the requirements of this item as a prerequisite to application of the provisions herein.		351
of Change, Decision No.		
86922		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		