

ORIGINAL

Decision No. 86923

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

SUPPLEMENTAL OPINION AND ORDER

On June 8, 1976, the Commission's Freight Economics Branch of its Transportation Division mailed to interested parties a staff report which recommended the addition of wooden grape stakes to the List A group commodity description for certain lumber and forest products in Item 685 of Minimum Rate Tariff 2.

By letter dated September 21, 1976, the Commission's Executive Director informed interested parties that the staff believes, upon further evaluation of the matter, that wooden grape stakes should be added to the List C group commodity description of the aforementioned tariff item instead of the List A group commodity description. The Executive Director also stated that the staff would recommend to the Commission that the proposed tariff revision be accomplished by an ex parte order and made subject to an expiration date of September 1, 1977.

According to the report grape stakes are moving in volume far greater than they were prior to 1970 when they were rated under the Commission's Exception Ratings Tariff 1. The density, unitized loads, value and transportability of wooden grape stakes are similar to those commodities described in Item 685 for which rates are provided in Items 690, 691 and 710 of Minimum Rate Tariff 2.

Written comments supporting the staff proposal were received from California Trucking Association (CTA) and Highway Carriers Association. CTA suggested that the proposed tariff change be made subject to a September 1, 1977 expiration date. No objection has been received concerning the report or the letter dated September 27, 1976.

The staff report and the Commission's above-referred-to letter of September 21, 1976, are received in evidence as Ex Parte Exhibit O-29 in Case 5432 and the replies to said report are received in evidence as Ex Parte Exhibit O-30 in Case 5432.

Upon consideration of the evidence in this proceeding, the Commission finds that the staff's proposal, as hereinafter modified by suggestion of one of the interested parties, is reasonable and justified. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariff 2 should be amended accordingly by the order herein 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 of Decision 31606, as amended) is further amended by incorporating therein, to become effective February 12, 1977, First Revised Page 5-B and Fifteenth Revised Page 51-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 authorized to be made by common carriers as a result of this order 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.

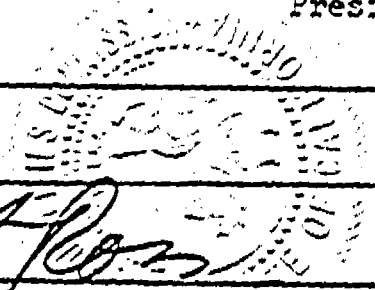
4. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations, 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.

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 13th day of February, 1977.

Robert Bahianich
President



[Signature]
Richard D. Howell
Commissioners

I dissent as to the effective date.
William Aguero, Jr.
I dissent only to the effective date
Lemon L. Sturgeon

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
Farina	652-6544	Frames, circular (iron or steel)	760, 764, 765
Faucets	365	Fruit (not dried, evaporated nor fresh)	320
Feed as described under the heading of "Feed Group" in the Governing Classification, not frozen	652-6544	Fruit, candied, crystallized, glazed or stuffed	360
Feed, Animal	338, 620, 630	Fruit, crushed	320
Feed, Animal or Poultry	652-6544	Fruits, dried or evaporated	350
Felt or Paper	761, 767	Fruits, frozen	351
Felt or Paper, asbestos	761, 767	Fruit Drink	320
Fencing	760, 764, 765	Fruit Juice Powders or Crystals, Citrus	360
Figs, powdered	350	Fruit Peel, candied, crystallized, glazed or stuffed	360
Fish (animal feed)	338	Fruit Syrups	360
Fish, cooked, pickled or preserved	320, 345	Fuel, Wood	729
Fish, fresh, frozen	775		
Fish Loins, frozen	775	Games	355
Fish, other than fresh or frozen	360	Games (M)	395-397
Fish Roe	320	Gardening or Landscaping Products	370
Fittings, Pipe (iron or steel)	365, 378, 760	Garlic Chips; Garlic Powder	320
Flavoring Compounds	764, 765	Gas, petroleum liquefied	377.5, 723-726
Flour, Bean	360	Gases, Compressed (M)	325
Flour, cooked	652-6544	Gears, running, steam boiler (M)	365
Flour, edible	339	Gelatine	360
Flour, gelatinized	339	Generators, Electric (M)	365
Flour, Grain	339	Germ, wheat	652-6544
Flour, Potato	339, 652-6544	Girders, reinforced concrete	318
Flour, prepared, edible	339, 652-6544	Girders, iron or steel	760, 764, 765
Flour, Rice	339, 652-6544	Glassware, NOI (M)	395-397
Flour, Soybean	339	Glucose	360
Flour, Tapioca	652-6544	Glycols (M)	325
Flues, Boiler	365	Grain Products as described under the heading "Grain Products" in the Governing Classification	652-6544
Fondant, Candy	360	*Grape Stakes	685, 690, 691, 710
Food, Baby	320	Grate Bars, iron or steel	365
Food, Cereal	360	Grit, processed from rock or shell	652-6544
Food, Milk, other than malted, liquid	320	Groceries and Grocers' Supplies	360
Food, prepared	360	Guides, elevator (iron or steel)	760, 764, 765
Food Preparations, Cereal (M)	360	Gum, Chewing	360
Foodstuffs for human consumption	345, 620, 630		
Forging, rough (iron or steel)	760, 764, 765		
Forms (M)	395-397		

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

* Addition, Decision No.

86923

EFFECTIVE

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

Correction

SECTION 3--COMMODITY RATES (Continued)	ITEM
<p align="center">WEIGHMASTER CERTIFICATE</p> <p align="center">(Applies in connection with rates making specific reference hereto.)</p> <p>(a) The actual gross weight of the shipment shall be confirmed by a public weighmaster's certificate, which shall be obtained by the carrier prior to or at the time of unloading (see exception).</p> <p>(b) Charges shall be based on the weight of the commodities as confirmed by the public weighmaster's certificate. The original and duplicate copy of the public weighmaster's certificate shall be affixed to the shipper's and carrier's copy of the freight bill respectively (see exception).</p> <p>EXCEPTION.--Such certificate shall not be required when the distance from point of origin to point of destination, computed in accordance with the method provided in the Distance Table, does not exceed 50 constructive miles.</p>	682
<p align="center">(Applies in connection with rates making specific reference hereto.)</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>LUMBER AND FOREST PRODUCTS, treated or untreated, not finished beyond sanding and priming, viz.: (See Notes 1 and 2)</p> <p>LIST A:</p> <p>Boxes or Crates, wooden, or wood and wire combined, NOI, KD or folded flat or in flat sections (29800, Sub 3, and 29810, Sub 3)</p> <p>Box or Crate Material, wooden or wood and wire combined, folded flat or in flat section (29800, Sub 3, and 29810, Sub 3)</p> <p>Cross Arms, wooden (160110)</p> <p>Lath, wooden (112760)</p> <p>Piling, wooden (112960)</p> <p>Poles, wooden, NOI (113060)</p> <p>Ponts, NOI, wooden (113100)</p> <p>Shingles, wooden (113280 and 113300)</p> <p>LIST B:</p> <p>Boards or Sheets, sawdust or ground wood (112320) including Wood Fibreboard Hardboard (193820), subject to Note 3.</p> <p>Plywood (113620 and 113625)</p> <p>Veneer (112870, 112880, 112890 and 113520)</p> <p>LIST C:</p> <p>Lumber (112870, 112880 and 112890)</p> <p>(E) Grape Stakes (160400, Sub 4)</p> <p>Ties, Railroad, wooden (113450)</p> <p>Timbers, wooden (112940)</p> <p>NOTE 1.--With shipments of commodities listed above, there may be included, at the rates provided herein, in quantities not to exceed 10% of the weight of the entire shipment, articles listed under the headings: "Lumber Group" and "Building Woodwork Group" in the Governing Classification.</p> <p>NOTE 2.--Length not to exceed 24 feet, except piling and poles which shall not exceed 50 feet in length.</p> <p>NOTE 3.--Rates apply on Wood Fibreboard Hardboard only when released to a value of 20 cents per pound per article. Shipper must enter the following statement on the bill of lading or shipping document:</p> <p align="center">"The agreed or declared value of the Wood Fibreboard Hardboard is heroby specifically stated by the shipper to be 20 cents per pound per article."</p> <p>If shipper fails or declines to declare such value in writing, other provisions of this tariff will apply.</p>	685
<p>* (E) Expires with September 1, 1977.</p> <p>ø Change)</p> <p>* Addition) Decision No.</p> <p>ø Increase)</p> <p>ø Reduction)</p>	86923
EFFECTIVE	
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