

ORIGINAL

Decision No. 87178

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 the transportation of)
any and all commodities state-)
wide including, but not limited)
to those rates which are pro-)
vided in Minimum Rate Tariff 2)
and the revisions or reissues)
thereof.)

Case 5432
Petition for Modification 936
(Filed December 21, 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 amend Items 395, 396 and 397 of MRT 2 by establishing new and reduced truckload exception ratings of Class 50.1, 35.1, 35.2 and 35.3, subject to minimum weights of 24,000, 32,000, 40,000 and 50,000 pounds, respectively, for the transportation of toilet preparations and other articles as described in the specific items. Petitioner also proposes to restrict the application of the less-truckload Class 70 rating, subject to a minimum weight of 5,000 pounds, to shipments which are loaded in a trailer not exceeding 28 feet.¹

Petitioner avers that its proposal promotes efficiencies and economies for both shippers and the carriers. Petitioner contends that the productivity in the motor carrier industry can be further enhanced and that the benefits of improved per-

¹ Petitioner's proposal is set forth in detail in Exhibit A attached to the petition.

formance, through heavier loadings, can be shared with shippers and the public generally, through lower unit transportation costs. Petitioner alleges that the proposed lower truckload class ratings will enable shippers to receive substantial reductions in freight charges.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about December 21, 1976. The petition was listed on the Commission's Daily Calendar of December 22, 1976. 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 as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need for this rate 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 April 16, 1977, Eighteenth Revised Page 39-A, First Revised Page 39-B and Second Revised Page 39-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 the order herein 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 Sacramento, California, this 5th
day of APRIL, 1977.

Robert Bateman

President

William J. Givens, Jr.

Vernon L. Sturgeon

Alton

Richard D. Howell

Commissioners

MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)		ITEM
<p>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>		Class Rating
<p>Sugar, in packages, viz.:</p> <p>Sugar, beet or cane, raw or other than raw (74900 or 74910) Sugar, corn, sorghum grain or wheat, whether or not granulated or powdered (74960 or 74970)</p> <p>Less truckload -----</p> <p>Truckload: Minimum Weight 30,000 pounds----- Minimum Weight 40,000 pounds-----</p>		<p>390</p> <p>50.1</p> <p>35.1</p> <p>35.2</p>
<p>(Items 395, 396 and 397)</p> <p>Toilet Preparations and other articles as described in Lists 1, 2 and 3 below (Subject to Notes 1 through 15):</p> <p>⊘ Less truckload, Minimum Weight 5,000 pounds,*subject to Note 15-----</p> <p>⊘ Truckload: Minimum Weight 24,000 pounds,*subject to Note 15----- *Minimum Weight 32,000 pounds----- *Minimum Weight 40,000 pounds----- *Minimum Weight 50,000 pounds-----</p> <p>List 1 -</p> <p>Bags, paper (20930, 20950 or 21080), (subject to Note 12, Item 397) Bath Salts or Crystals, Bubble Bath or Water Softening Compounds (58540) Books, NOI (161560) Bowls, Cups, Dishes or Plates, plastic or rubber (156655, Sub 1) Brushes, plastic bristle (33100, Sub 2) Candles (39810 or 39830) Catalogs; or Catalog Parts or Sections (4850) ⊘ Cleaning, Scouring or Washing Compounds, NOI; or Soap, NOI: liquid or other than liquid; or Soap Powder (48580, Subs 3, 4 and 5 ** or 48581) (subject to Note 11, Item 397) Deodorants or Disinfectants, NOI (57100, Sub 2) Dyestuffs, NOI (60280) Envelopes, NOI or Seed Envelopes or Packets (153040) Forms, Cards, Checks, Tickets; or Forms, NOI (153250) Games or Toys, NOI (84260, Sub 7) (subject to Note 14, Item 397) Lead Pencils (179050) Pads, Tablets or Blank Books (153760) Paper, impregnated with soap or cleansing agent (153920) ⊘ Perfumery (59070) Plastic or Rubber Articles, NOI (156600, Sub 7) Powder, sachet or toilet (59090) (subject to Note 11, Item 397) Shampoo (59320) Shaving Cream or Shaving Soap (59360) Toilet Preparations, NOI (59420) (subject to Note 11, Item 397) Trays, plastic (187320, Sub 4)</p> <p>(Continued in Item 396)</p>		<p>70</p> <p>50.1</p> <p>35.1</p> <p>35.2</p> <p>35.3</p> <p>⊘ 395</p>
<p>⊘ Change) * Addition) ◊ Increase) ◊ Reduction) ** Eliminated) Δ Change, neither increase) nor reduction)</p>		<p>Decision No. 87178</p>
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

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>	Class Rating
<p style="text-align: center;">(Items 395, 396 and 397)</p> <p>LIST 2 -</p> <p>Adhesives, NOI, Adhesive Coments, NOI, Adhesive Glues, NOI, or Adhesive Pastes, NOI (4620) (Subject to Note 11, Item 397) Advertising Matter, paper or paperboard (4680) Bowls, Cups, Dishes or Plates (156655, Sub 2) Brushes, NOI (33100, Sub 4) Cards, NOI, paper (152360, Sub 5) Cards, Tags or Seals, gift (152440) Cases, lipstick (41630) Circulars, Books, Booklets, Leaflets, Pamphlets, Sheet or Price Lists (4860) Combs (50040, Subs 1 or 3) Compacts, brass, empty (29130) Displays, advertising (57410, Sub 6) Games or Toys, NOI (84260, Subs 5 or 6) (Subject to Note 14, Item 397) Glassware, NOI (88150, Subs 1, 2 or 3) Jewelry, costume or novelty (107830), actual value not exceeding \$5.00 per pound Kits, embroidery, tapestry or ornamental needlework (NC), subject to Note 13, Item 397 Notions, NOI (141120) Pads, memorandum (179070) Plastic Rubber Articles, NOI (15660, Subs 5 or 6) Rolls or Holders, silverware or toilet article (169790) Toilet Cases (183440) Wrapping Paper and Gift Cards, Tags or Seals (154500)</p> <p>LIST 3 -</p> <p>Games or Toys, NOI (84260, Subs 3 or 4) Glassware, NOI (88150, Subs 4 or 5) Hair Goods (92280) Holders, disinfectant or deodorant, NOI (99600) Plastic or Rubber Articles, NOI (156600, Subs 3 or 4) Traveling Bags, Bowling Ball or Bowling Shoe Bags, Carrying Cases or Bags, NOI, Gun Carrying Cases, Handbags, Hat Boxes, Sample Cases, or Suit Cases (187680)</p> <p>NOTE 1.--Commodities named in List 1 of Item 395 must be mixed in the same box with commodities named in Lists 2 and 3 of this item. Rates apply only when the commodities named in List 1 of Item 395 are included only in mixed shipments with other commodities named in Lists 2 and 3 of this item.</p> <p>NOTE 2.--Commodities named in List 2 of this item must be mixed in the same box with commodities named in Lists 1 of Item 395 and 3 of this item. The total weight of articles named in List 2 may not exceed 10 percent (10%) of the total weight of the shipment.</p> <p>NOTE 3.--Commodities named in List 3 of this item must be mixed in the same box with commodities named in Lists 1 of Item 395 and 2 of this item. The total weight of the articles named in List 3 of this item may not exceed 5 percent (5%) of the total weight of the shipment.</p> <p>NOTE 4.--Premiums may be shipped with other articles named in this item provided premiums do not exceed one for each inner package of commodity and provided premiums consist of a container for the commodity.</p> <p style="text-align: center;">(Continued in Item 397)</p>	<p>#396</p> <p>See Item 395</p>
<p>ø Change) Δ Change, neither increase) Decision No. 87178 nor reduction)</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

SECTION 1--RULES OF GENERAL APPLICATION (Concluded)		ITEM
EXCEPTIONS TO GOVERNING CLASSIFICATION AND EXCEPTION RATINGS TARIFF (Concluded)		Class Rating
<p>(Items 395, 396 and 397)</p> <p>NOTE 5.--Applies only in connection with prepaid shipments released to a value not exceeding one half actual value or 50¢ per pound, per article, whichever is less. 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 not exceeding one half of actual value or 50¢ per pound, per article, whichever is less."</p> <p>If the shipper fails or declines to declare such value in writing, the provisions of this item will not apply.</p> <p>NOTE 6.--Not more than five component parts shall be permitted in connection with shipments moving in split delivery service. Provisions of Items 160-163 (Split Pickup Service) and Item 188 (Multiple Service Shipment) are not applicable.</p> <p>NOTE 7.--Provisions of this item apply only in connection with shipments transported in a single unit of carrier's equipment at one time.</p> <p>NOTE 8.--Loading and Unloading:</p> <p>(a) Applicable only when shipper loads carrier's equipment without assistance by carrier. Tendering of loaded trailer not to exceed one hour.</p> <p>(b) An allowance of 2 hours free time for unloading shall be made for each unit of equipment used. Excess unloading time shall be computed at the rates named in Item 145 hereof. Time shall be computed from time of arrival of carrier's equipment at place of unloading until unloading is completed and equipment is released.</p> <p>NOTE 9.--Rates resulting from application of the provisions of this item may not be used in combination with any other rates, except those in Item 172, Paragraph 5.</p> <p>NOTE 10.--The provisions of this item will not apply in connection with shipments subject to the provisions of Item 85 herein, nor to shipments subject to Temperature Control Service, Collect on Delivery Service or shipments moving under government bills of lading.</p> <p>NOTE 11.--Will also apply when one Flat Applicator, Brush Applicator, Hand Applicator or Cosmetic Pad is included in the same shipping container for each inner container.</p> <p>NOTE 12.--Will only apply on bags other than traveling or carrying bags or cases, briefcases, portfolios or envelope type carrying pouches.</p> <p>NOTE 13.--Applies on kits or sets consisting of pictures, cartoons, or designs stamped on liner of fabric, with or without yarn instruction sheets, fringes, needles and other accessory materials for completion of finished article.</p> <p>NOTE 14.--Commodities making reference to this note may be included only when incidental to, or a part of, the inner packaging of commodities contained therein.</p> <p>NOTE 15.--Applicable only when loaded in a trailer not exceeding 28 feet, measured along the center longitudinal line of the trailer floor.</p>		<p>See Item 395</p> <p>400</p>
<p>Vermouth (111490), or Wine, NOI (111510). Less truckload-----</p> <p>(1) Applies only on domestic Vermouth or Wine having a declared value of not more than \$2.00 per gallon.</p>		<p>(1) 55</p> <p>400</p>
<p>Change) Addition) Decision No. 87178</p>		
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Correction		