

ORIGINAL

Decision No. 87236

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

And Related Matters. )

Cases Nos. 5439 and 5441

ORDER RESTORING MINIMUM RATES  
AND SETTING HEARING

By Decisions Nos. 85584, 85585, 85586 and 85587 issued March 16, 1976, the Commission exempted the transportation of empty sea vans and flattened automobile bodies from the application of the minimum rates named in Minimum Rate Tariffs 2, 1-B, 9-B and 19. By Decision No. 85789 dated May 4, 1976, the Commission denied a petition for rehearing of the above decisions filed by California Trucking Association (CTA). CTA's subsequent Petition to the California Supreme Court for a Writ of Review was granted in S. F. No. 23473. On March 24, 1977, the Supreme Court filed its decision in that matter annulling Decisions Nos. 85584, 85585, 85586 and 85587 on the ground that CTA should have the opportunity to be heard in a formal hearing.

Although the Commission realizes that the annulment of its decisions will automatically restore the previous minimum rates for these commodities, it believes that the subscribers to the involved tariffs should be made aware of this fact and that the appropriate tariff pages should be revised to show the effect of the annulment.

In the circumstances, the Commission finds that the involved tariffs should be amended by eliminating the exemptions for empty sea vans and flattened automobile bodies and restoring the minimum rates for such commodities. The Commission further finds that a hearing should be set in these proceedings to consider whether the transportation of these commodities should be exempted from minimum rates.

THEREFORE, IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein to become effective April 23, 1977, Sixty-sixth Revised Page 14 and Fourth Revised Page 14-A, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 1-B (Appendix B of Decision No. 65834, as amended) is further amended by incorporating therein to become effective April 23, 1977, Eighteenth Revised Page 14, attached hereto and by this reference made a part hereof.

3. Minimum Rate Tariff 9-B (Appendix A of Decision No. 67766, as amended) is further amended by incorporating therein to become effective April 23, 1977, Eighteenth Revised Page 17, attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff 19 (Appendix A of Decision No. 41363, as amended) is further amended by incorporating therein to become effective April 23, 1977, Seventeenth Revised Page 15-A, attached hereto and by this reference made a part hereof.

5. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decisions Nos. 31606, 41363, 65834 and 67766, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

6. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective April 23, 1977, on not less than one day's notice to the Commission

and to the public and tariff publications which are authorized but not required to be made by common carriers as a result of the order herein may be made effective not earlier than April 23, 1977, and may be made effective on not less than one day's notice to the Commission and to the public if filed not later than June 23, 1977.

7. 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.

8. In all other respects Decisions Nos. 31606, 41363, 65834 and 67766, as amended, shall remain in full force and effect.

9. A consolidated hearing in these proceedings to consider whether the transportation of flattened automobile bodies and empty sea vans should be exempted from the minimum rates shall be heard before such Commissioner or Examiner and at such time and place as may hereafter be designated.

10. The consolidated hearing ordered herein shall be assigned numbers OSH 855 in Case No. 5432, OSH 811 in Case No. 5439 and OSH 393 in Case No. 5441.

The Executive Director is directed to cause appropriate notice of the hearing to be mailed at least ten (10) days before such hearing.

C. 5432, et al. -j1

The effective date of this order shall be April 23, 1977.

Dated at San Francisco, California, this 19<sup>th</sup> day of  
ADONE, 1977.

\_\_\_\_\_  
President  
*William Synovis J.*  
*James L. Sturgeon*  
*Richard D. Howell*

\_\_\_\_\_  
Commissioners

Commissioner Robert Batimovich, being  
necessarily absent, did not participate  
in the disposition of this proceeding.

## MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 40, 41 and 42)</p> <p>Except as otherwise specifically provided in this tariff, rates named herein apply for the transportation of all commodities except as provided in Paragraphs 1, 2 or 3 below:</p> <p>1. Rates in this tariff will not apply to the transportation of commodities when subject to the rates provided in the following minimum rate tariffs (or successive issues thereof):</p> <ul style="list-style-type: none"> <li>3-A - Livestock</li> <li>4-B - Used household goods, personal effects and office, store and institution furniture, fixtures and equipment</li> <li>6-B - Petroleum and petroleum products, as described, when transported in bulk in tank trucks, tank trailers or tank semitrailers</li> <li>7-A - Property, as described, when transported in dump truck equipment</li> <li>8-A - Fresh fruits, fresh vegetables and specified empty containers</li> <li>10 - Cement and other specified commodities</li> <li>11-A - Uncrated new furniture</li> <li>12-A - Motor vehicles, as described in secondary movement by truckaway service</li> <li>13 - Commodities transported by vacuum-type and pump-type tank vehicles</li> <li>14-A - Specified agricultural commodities, in bulk</li> <li>15 - Yearly, monthly, weekly and hourly vehicle unit rates</li> <li>17-A - Property, as described when transported in dump truck equipment - Southern California</li> <li>18 - Trailer coaches and campers</li> <li>20 - Rock, sand and gravel in dump truck equipment - Northern California</li> </ul> <p>§2. Rates in this tariff will not apply to shipments consisting of the following commodities:</p> <ul style="list-style-type: none"> <li>Accessories, motion picture</li> <li>(F) Adhesive, Adjuvants, Spreaders or Stickers (subject to Note 6)</li> <li>(E) Aluminum Sulfate (subject to Note 6)</li> <li>Automobiles, set up (when rates are not otherwise provided in Minimum Rate Tariff 12-A)</li> <li>Baggage</li> <li>**</li> <li>Buttermilk, liquid (subject to Note 1)</li> <li>Carriers (used packages), as described in Items 320 and 321 of the Exception Ratings Tariff, empty returning or forwarded for return loads (subject to Note 2)</li> <li>Cement Clinker</li> <li>(E) Compounds, tree or weed killing (subject to Note 6)</li> <li>Concrete transported in motor vehicles equipped for mechanical mixing in transit</li> <li>Cottage Cheese (subject to Note 1)</li> <li>Cotton</li> <li>Cream (subject to Note 1)</li> <li>Directories, telephone</li> <li>Eggs, other than shelled, desiccated or frozen (subject to Note 1)</li> <li>Fertilizers, as described in Items 540, 560 and 580 of the Exception Ratings Tariff</li> <li>Film, motion picture</li> <li>Fruit, dried, unmanufactured and unprocessed (subject to Note 3)</li> <li>Fruit, fresh or green, including dates, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8-A)</li> <li>Fruit, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled fruit</li> <li>Fungicides, agricultural</li> <li>Furniture, household appliances and other home furnishings which have been sold at retail by a retail merchant, transported from retail stores or retail store warehouses, or transported from retail customers to retail stores or retail store warehouses (subject to Note 4)</li> <li>Furniture, uncrated, new, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services</li> <li>Hops</li> <li>Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses</li> <li>Hulls, almond, not including shells and other waste from the hulling and shelling of almonds, not processed for use as animal or poultry feed</li> </ul> <p style="text-align: center;">(Continued in Item 41)</p>	<p>§40</p>
<p>§ Change ) ** Eliminated ) Decision No. (E) Expires with February 28, 1978.</p>	
EFFECTIVE	
<p>Correction</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

## MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 40, 41 and 42)</p> <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities (concluded): Ice Cream Mix, unflavored (subject to Note 1) Insecticides, agricultural Jewelry transported from or to wholesale houses in packages weighing 10 pounds or less (E) Lime, common (subject to Note 6) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles (the terms "tank trucks, tank trailers, tank semitrailers" include truck, trailer or semitrailer with carrier or shipper provided collapsible tank or bags, 20 feet or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity) Livestock (when rates are not otherwise provided in Minimum Rate Tariff 3-A) Logs (wood) Milk, liquid (subject to Note 1) Newspapers, newspaper supplements, sections or inserts (not scrap or waste) Nuts, in the shell (when rates are not otherwise provided in Minimum Rate Tariff 8-A) Nuts, field shelled (when rates are not otherwise provided in Minimum Rate Tariff 8-A) Optical goods transported from or to wholesale houses in packages weighing 10 pounds or less Pits, fruit (E) Plant Growth Inhibitor, Modifier or Regulator (subject to Note 6) Pot Cheese (subject to Note 1) Poultry, live Sea shells, crushed, ground, powdered or disintegrated (subject to Note 5) Seeds, as described under that heading in the Governing Classification, when shipped from point of growth to an accumulation station or point of initial processing, or from an accumulation station to point of initial processing; in bulk, or in containers with a capacity exceeding 40 cubic feet, or in packages weighing 50 pounds or more Shell Marl, crushed, ground or powdered (subject to Note 5) Shells, walnut Sulphur United States mail transported for the Post Office Department under contract Used property, as described in Minimum Rate Tariff 4-D, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services ** Vegetables, fresh or green, including mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8-A) Vegetables, which are placed in a preservative and are destined to a cannery for processing into a preserved or pickled vegetable Vegetables, dried, unmanufactured, viz.: Beans (except Mesquite), Lentils, Onions, Peas (except Cow Peas), Pepper Pods Voting Booths, Ballot Boxes, Election Tents and Election Supplies, when transported from or to polling places</p> <p style="text-align: center;">(Continued in Item 41)</p>	41
<p>of Change ) ** Eliminated ) Decision No. (E) Expires with February 28, 1978.</p>	
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Correction

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued)                      (Items 30, 31 and 32)</p> <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities:</p> <ul style="list-style-type: none"> <li>Automobiles, set up (when rates are not otherwise provided in Minimum Rate Tariff 12-A)</li> <li>**</li> <li>Concrete transported in motor vehicles equipped for mechanical mixing in transit</li> <li>Fruits and vegetables, fresh or green, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8-A)</li> <li>Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores</li> <li>Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses</li> <li>Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (the terms "tank trucks, tank trailers and tank semitrailers" include any truck, trailer or semitrailer with carrier or shipper provided collapsible tanks or bags 20 foot or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity)</li> <li>Motor vehicles when towed by a tow car</li> <li>Mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8-A)</li> <li>Nuts, in the shell (when rates are not otherwise provided in Minimum Rate Tariff 8-A)</li> <li>Nuts, field shelled (when rates are not otherwise provided in Minimum Rate Tariff 8-A)</li> <li>Poultry, live</li> <li>Telephone directories, new, distributed to subscribers, and old, picked up from subscribers</li> <li>Used property, as described in Minimum Rate Tariff 4-B, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services</li> <li>**</li> <li>Voting booths, ballot boxes, election tents and election supplies, when transported from or to polling places</li> </ul> <p style="text-align: center;">(Continued in Item 32)</p>	<p>31</p>
<p>ø Change )                      ** Eliminated ) Decision No.</p>	
EFFECTIVE	
<p>Correction</p> <p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                      SAN FRANCISCO, CALIFORNIA.</p>	

MINIMUM RATE TARIFF 9-B

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued)            (Items 50, 51 and 52)</p> <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities:</p> <ul style="list-style-type: none"> <li>Accessories, motion picture</li> <li>Animals, live</li> <li>Automobiles, freight or passenger, set up (when rates are not otherwise provided in Minimum Rate Tariff 12-A)</li> <li>Baggage</li> <li>**</li> <li>Carriers, used packages, empty, returning from an outbound paying load of traffic for which no rates are provided in this tariff, or forwarded for a return paying load of traffic for which no rates are provided in this tariff</li> <li>Concrete transported in motor vehicles equipped for mechanical mixing in transit</li> <li>Cotton, in bales</li> <li>Cotton Linters, in bales</li> <li>Film, motion picture</li> <li>Fruits, fresh or green, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 3-A)</li> <li>Furniture, household appliances and other home furnishings transported from retail stores or retail store warehouses where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores, or retail store warehouses</li> <li>Houses which have been disengaged from their foundations, or sections thereof and integral parts or contents when the contents are transported within the houses</li> <li>Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (the terms "tank trucks, tank trailers and tank semitrailers" include any truck, trailer or semitrailer with carrier or shipper provided collapsible tanks or bags, 20 feet or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity)</li> <li>Mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8-A)</li> <li>Newspapers, newspaper supplements, sections or inserts (not scrap nor waste)</li> <li>Nuts, in the shell (when rates are not otherwise provided in Minimum Rate Tariff 8-A)</li> <li>Nuts, field shelled (when rates are not otherwise provided in Minimum Rate Tariff 8-A)</li> <li>Optical goods, as described in Items 41600, 41610, 57820, 57940, 58090, 58110 and 58320 of the Governing Classification, and prescription order forms, transported from or to wholesale houses in packages weighing 10 pounds or less when transported in vehicles not exceeding a licensed weight of 4,000 pounds</li> <li>Poultry, live</li> <li>Used property, as described in Minimum Rate Tariff 4-B, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services</li> <li>**</li> <li>Vegetables, fresh or green, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8-A)</li> <li>Vehicles, disabled, when transported by towing</li> <li>Voting booths, ballot boxes, election tents, and election supplies when transported from or to polling places</li> </ul> <p style="text-align: center;">(Continued in Item 52)</p>	<p>#51</p>
<p>           # Change )            ** Eliminated ) Decision No.         </p>	
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Correction



## MINIMUM RATE TARIFF 19

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Continued) (Items 50, 51 and 52)</p> <p>2. Rates in this tariff will not apply to shipments consisting of the following commodities:</p> <p>Accessories and supplies, motion picture; film, motion picture Automobiles, set up (when rates are not otherwise provided in Minimum Rate Tariff 12-A) Baggage ** Concrete transported in motor vehicles equipped for mechanical mixing in transit Fat, sweet cream, concentrated, frozen Fruits and vegetables, fresh or green, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8-A) Furniture, household appliances and other home furnishings, transported from retail stores where they have been sold at retail by a retail merchant, or transported from retail customers to retail stores Houses which have been disengaged from their foundations, or sections thereof, and integral parts or contents when the contents are transported within the houses Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (the terms "tank trucks, tank trailers and tank semitrailers" include any truck, trailer or semitrailer with carrier or shipper provided collapsible tanks or bags 20 feet or more in length, 2,000 gallons or more in capacity and 20,000 pounds or more weight carrying capacity) Livestock (when rates are not otherwise provided in Minimum Rate Tariff 3-A) Motor vehicles when towed by a tow car Mushrooms, fresh, not cold pack nor frozen (when rates are not otherwise provided in Minimum Rate Tariff 8-A) Newspapers, newspaper supplements, sections or inserts (not scrap nor waste) Nuts, in the shell (when rates are not otherwise provided in Minimum Rate Tariff 8-A) Nuts, field shelled (when rates are not otherwise provided in Minimum Rate Tariff 8-A) Poultry, live Printed Matter, viz.: Advertising Matter, Books, Directories, Magazines, Pamphlets, Periodicals, Rating Books, Registers or Services; when tendored to one carrier at one time in a single lot consisting of identical articles for distribution to not less than eight separate addresses and where the weight of each delivery does not exceed 25 pounds Telephone Directories, new, distributed to subscribers; old, picked up from subscribers Used property, as described in Minimum Rate Tariff 4-B, of state, county or municipal governments, or transported under an agreement whereby the governments contracted for the carrier's services ** Voting booths, ballot boxes, election tents and election supplies, when transported from or to polling places</p> <p style="text-align: center;">(Continued in Item 52)</p>	51
<p>g Change ) ** Eliminated ) Decision No.</p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.