

ORIGINAL

Decision No. 87497 June 21, 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investi-)
gation for the purpose of con-)
sidering 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. 941
(Filed January 13, 1977;
Amended March 10, 1977)

OPINION AND ORDER

Minimum Rate Tariff ^{2(b)}₁ (MRT 2) names minimum rates and rules for the statewide transportation of general commodities by highway carriers. By this petition California Trucking Association (CTA) seeks to amend the provisions of Item 335.6 of MRT 2 by permitting the exception ratings in such item to apply to straight shipments of ice cream when frozen temperature control service is performed.

Petitioner declares that the exception ratings in question do not apply to the transportation of dairy products and related articles when frozen temperature control service is accorded to such transportation. Petitioner states that, since the temperature of ice cream must be no higher than zero (0) degrees during transportation, it is imperative that frozen temperature control service be provided. Petitioner avers that it was originally intended that the involved exception ratings would apply to the transportation of ice cream and asserts that its proposal would allow said commodity to move under these exception ratings.

Copies of the petition and amendment were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about January 12 and March 10, 1977, respectively. The petition and amendment were listed on the

Commission's Daily Calendar of January 17 and March 11, 1977. No objection to the granting of the petition, as amended, 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 July 2, 1977, Third Revised Page 37-AAAA, 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 not earlier than July 2, 1977, 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 page 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 21st day of JUNE, 1977.

President
William Sproun Jr.
Vernon L. Sturgeon
Richard D. Gault

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

| 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>DAIRY PRODUCTS AND RELATED ARTICLES viz.: (Subject to Note 1) (Items 335.6 and 335.7)</p> <p>Cheese (55470) (Subject to Note 2); Eggs (55540); Ice Cream (55620), including Ice Cream Mix, Ice Milk, Water Ice and Sherbet; Milk or Cream, NOI (55660), Egg Nog, Sour Cream or Yogurt, with or without flavoring, fruit or vegetables.</p> <p>NOTE 1.--In addition to packing or packaging specified in the Governing Classification, commodities named in this item may be shipped in containers in fibre trays; in bulk in inner plastic bags in boxes or drums; in containers in bottle carriers; or in wheeled racks.</p> <p>NOTE 2.--Provisions making reference hereto apply only in connection with shipments of the following: Cheese, viz.: Bakers Curd or Cottage Cheese, with or without flavoring, fruit or vegetables, creamed or other than creamed. Truckload: (Subject to Notes 3 through 11)</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Minimum Weight 20,000 pounds-----</td> <td style="width: 20%; text-align: right;">50.1</td> </tr> <tr> <td>Minimum Weight 30,000 pounds-----</td> <td style="text-align: right;">35</td> </tr> <tr> <td>Minimum Weight 36,000 pounds-----</td> <td style="text-align: right;">35.1</td> </tr> <tr> <td>Minimum Weight 42,000 pounds-----</td> <td style="text-align: right;">35.2</td> </tr> <tr> <td>Minimum Weight 45,000 pounds-----</td> <td style="text-align: right;">35.3</td> </tr> </table> <p>NOTE 3.--Provisions of this item apply only when all provisions of the following notes are met. Otherwise, apply provisions of the Governing Classification, Exception Ratings Tariff or this tariff, as applicable.</p> <p>NOTE 4.--Rates resulting from application of the provisions of this item may not be used in combination with any other rates, except as provided in Note 11.</p> <p>NOTE 5.--Applies only in connection with prepaid shipments released or declared at a value of 6 cents per pound, per article. Shipper must enter the following statement on the bill of lading: "The agreed or declared value of the property is hereby stated by the shipper to be 6 cents per pound, per article."</p> <p>NOTE 6.--Provisions of this item will not apply if any portion of the shipment is provided Frozen Temperature Control Service *(see Exception).</p> <p>*EXCEPTION.--Straight shipments of Ice Cream as described herein may be provided Frozen Temperature Control Service in accordance with provisions of Items 185 and 185-1; provided, however, that such service may not be accorded to split pickup, split delivery or multiple service shipments.</p> <p>NOTE 7.--An allowance of one hour free time for loading and one hour free time for unloading shall be made for each unit of equipment used. Excess loading or unloading time shall be charged for at the rates named in Item 145 of this tariff. Time shall be computed from actual or shipper-designated time of arrival of carrier's equipment at place of loading or unloading, whichever is later, until loading or unloading is completed and equipment is released.</p> <p>NOTE 8.--The free weight of pallets containing commodities transported under provisions of this item is limited to 5 percent of the weight on which transportation charges are computed.</p> <p>NOTE 9.--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> | Minimum Weight 20,000 pounds----- | 50.1 | Minimum Weight 30,000 pounds----- | 35 | Minimum Weight 36,000 pounds----- | 35.1 | Minimum Weight 42,000 pounds----- | 35.2 | Minimum Weight 45,000 pounds----- | 35.3 | <p style="text-align: right;">335.6</p> |
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| (Continued in Item 335.7) | | | | | | | | | | | |
| <p>Change) Decision No. 87497 * Addition)</p> | | | | | | | | | | | |
| EFFECTIVE | | | | | | | | | | | |
| ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA. | | | | | | | | | | | |

Correction