

Decision No. 88314 JAN 10 1978

**ORIGINAL**

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. 997  
(Filed October 26, 1977)

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 the establishment in MRT 2 of an exception rating of Class 35.3 on telephone materials and supplies in mixed shipments of five or more commodities individually named in the governing classification for use in the installation and maintenance of facilities for the transmission and distribution of telephone service to the public, subject to a minimum weight of 40,000 pounds for each unit of carrier's equipment from Sunset Whitney Ranch.<sup>1</sup>

Petitioner states that hundreds of individually described commodities are shipped as part of the support system for installation and maintenance of telephone equipment and services. Petitioner points out that the rules in Minimum Rate Tariff 2 compel the listing on the bills of lading of the individual commodity description in terms of the governing classification, which petitioner declares is time consuming and costly for both shippers and carriers.

<sup>1</sup> The specific proposal is set forth in detail in Exhibits A and B of the petition.

Consequently, petitioner submits its proposal for the establishment of revised tariff provisions which would minimize costly clerical expenses for both shippers and carriers alike without causing substantive changes in overall carrier revenue levels.

Petitioner proposes to establish a single class exception rating applicable to mixtures of the varied commodities, as set forth in Exhibits A and B to the petition. Exhibit A sets forth a list of commodities obtained from another tariff (Rocky Mountain Motor Tariff Bureau, Inc., Tariff ICC RMB 329-A) which settles similar problems by the application of a single generic description, as proposed by the petitioner.

Petitioner asserts that to promote shipper and carrier efficiencies it proposes the following: (1) assure a reasonable minimum weight, such as 40,000 pounds, for individual unit of carrier's equipment; (2) to either disallow or drastically limit the use of split pickup and split delivery services; (3) to subject the shipment to a released valuation of 50 cents per pound, per article or to one-half of actual value, whichever is less.

Petitioner claims that although there will be reductions in the truckload rating of all commodities, there will be no appreciable revenue gain or loss to the carrier and no added expense to the shipper. However, there will be some significant savings in clerical and administrative costs, which will also provide substantial increase in efficiency for shippers and carriers.

Petitioner seeks to establish the exception rating and tariff provisions applicable to the transportation from a single named origin point. It has not been the policy of the Commission to establish exception ratings for transportation from or to particular points which could be considered discriminatory toward other shippers of similar commodities. Appropriately, the order which follows, will provide equal opportunities for the tariff provisions to apply from any point within the State under these same conditions.

Copies of the petition were mailed to various chambers of commerce, shipper organizations, carrier associations and other interested parties on or about October 26, 1977. The petition was listed on the Commission's Daily Calendar of October 28, 1977. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that the petitioner's proposal is reasonable and justified to the extent hereinafter indicated. A public hearing is not necessary. The Commission concludes that the petition should be granted as set forth in the ensuing order.

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 twenty-five days after the date thereof, the revised pages contained in Appendix A, 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 revisions 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 shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order, on not less than ten 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 order authorizing long- and short-haul departures and to this order.

In the circumstances, the Commission finds that the petitioner's proposal is reasonable and justified to the extent herein after indicated. A public hearing is not necessary. The Commission concludes that the petition should be granted as set forth in the ensuing order.

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 twenty-five days after the date thereof, the revised pages contained in Appendix A, 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 revisions 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 shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order, on not less than ten 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 order authorizing long- and short-haul departures and to this order.

In the circumstances, the Commission finds that the order

5. In all other respects Decision 31606, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 10th day of JANUARY, 1978.

Robert B. Johnson, President

William J. Lyons, Jr., Commissioner

Richard D. Gould, Commissioner

Clair D. White, Commissioner

Commissioners

*see attached*  
*Robert D. Gould*

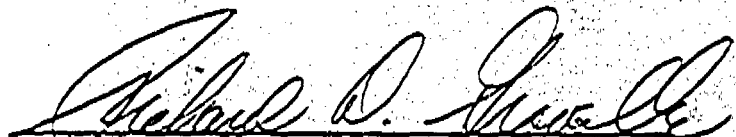
C. 5432, Pet. 997  
D. 88314

COMMISSIONER RICHARD D. GRAVELLE,      CONCURRING

I concur.

It is appropriate to point out that this order grants the relief requested by CTA (a change in the classification for the particular commodities) to the extent that this Commission has traditionally allowed. CTA requested the proposed new class rates for shipments between certain specific points, whereas the Commission's order allows the new classification rating for the commodities if they move anywhere in the state. It would be discriminatory to have in our tariffs different class ratings for the same commodities, limited by the origin of the shipment. Had individual carriers requested a deviation from the applicable minimum rates pursuant to Section 3666 of the Public Utilities Code, rates could have been authorized that applied only for certain shippers between specified points. CTA by asking for a change in the classification should have known, that such a change would have to be available for all carriers and shippers. The Commission is properly granting CTA the relief requested to the extent that is legally and equitably possible.

San Francisco, Ca  
January 10, 1978

  
Richard D. Gravelle, Commissioner

APPENDIX A

LIST OF ORIGINAL AND REVISED PAGES  
TO MINIMUM RATE TARIFF 2

EIGHTEENTH	REVISED	PAGE	9-A
THIRTIETH	REVISED	PAGE	39
ORIGINAL		PAGE	39.1
ORIGINAL		PAGE	39.2
NINETEENTH	REVISED	PAGE	39-A

(END OF APPENDIX A)

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
Tea	360.5	Vaults, Grave	334.8
Tea, extract of (condensed or instant), dry	360.5	Vaults, Utility	334.8
Teas	760,764,765	Vegetable Oil Shortening	335.5
Telephone Materials and Supplies	393	Vegetables, frozen	351
Tickets (M)	395-397	Vegetables (not dehydrated, dried, evaporated nor fresh)	320-1
Ties, bale	760,764,765	Veneer	690,691,700,710
Ties, railroad	690,691,710	Vermicelli, except canned	360.5
Timbers	690,700,710	Vermicelli (prepared)	320
Tinplate	760,764,765	Vermicelli, dry, and other ingredients	345,360
Tire Tubes (M)	377.5,723-726	Vermouth	400
Tires, Pneumatic (M)	377.5,723-726	Vinegar	320-1
Toilet Preparations and other Articles (M)	395-397	Wallboard, other than plasterboard	762,767
Toluol (M)	325	Washers	760,764,765
Tools, Mechanics' (M)	365	Washing Powders	730-732
Towers, Water Cooling, Atmospheric (M)	365	Washing Soda	730-732
Toys	355	Wax, automobile, boat, floor or furniture (M)	377.5,723-726
Toys (M)	395-397	Wax, boat, floor, furniture or vehicle	730-732
Trays, plastic (M)	395-397	Wax, Laundry Compound	360.5
Triglycerides of Fat-forming Fatty Acids	335.5	Weights	760,764,765
Trisodium Phosphate	730-732	Welsh Rarebit	320-1
Trucks, Steam Boiler (M)	365	Wheat Germ	652-654
Trusses	760,764,765	Whey	345
Tubes, Boiler	365	Wine	360,400
Tubing, iron or steel, cast or wrought, plate or sheet	365	Wine, cooking	320-1
Tubing, iron or steel, well casing or drilling	365	Wire	760,764,765
Tubing, pier	760,764,765	Wood Fibreboard Hardboard	690,691,710
Tubs, Woodenware	758	Wood Preservatives (M)	377.5,723-726
Turnbuckles	760,764,765	Yarn	379.4
Urea	652-654	Yeast or Yeast Powder	360.5
Valves, iron or brass (M)	365	Zees	760,764,765
Valves, Pump Working Barrel	365		

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

\* Addition, Decision No.

88314

EFFECTIVE

Correction

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



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>	<p style="text-align: center;">Class                      Rating</p>
<p>Salt, Common (Sodium Chloride) (46260)</p> <p>Less truckload-----</p>	<p style="text-align: center;">50.1      380</p>
<p>(1) Seeds (172770, 172790, 172810, 172830, 172850, 172870, 172890                      172910, 172930, 172950, 172970, 172990, 173010, 173030,                      173050, 173070, 173090, 173110, 173150, 173170, 173190,                      173210, 173230, 173250, 173270, 173290, 173310, 173330,                      173350, 173370, 173390, 173410, 173430, 173450, 173470,                      173490, 173510, 173530, 173550, 173570, 173590, 173600,                      173620, 173640, 173660, 173720, 173740, 173760, 173780,                      173800, 173820, 173840, 173860, 173880, 173900, 173920,                      173940, 173960, 173980, or 174000)</p> <p>Less truckload-----</p> <p>(1) Unless otherwise exempt under the provisions of Item 40 through 42 of this tariff.</p>	<p style="text-align: center;">383</p> <p style="text-align: center;">50.1</p>
<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 style="text-align: center;">390</p> <p style="text-align: center;">50.1</p> <p style="text-align: center;">35.1                      35.2</p>
<p>(1) Item 390 transferred from Nineteenth Revised Page 39-A.</p>	
<p>EFFECTIVE</p>	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                      SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

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>	<p style="text-align: center;">Class Rating</p>
<p>TELEPHONE MATERIALS AND SUPPLIES in mixed shipments of five or more commodities individually named in the Governing Classification for use in the installation and maintenance of facilities for the transmission and distribution of telephone service to the public (Subject to Notes 1 through 5).</p> <p>Truckload minimum weight, per unit of carrier's equipment: 40,000 pounds-----</p> <p>NOTE 1.--Applicable only in connection with prepaid shipments released to one-half (½) of actual value or 50 cents per pound, per article, whichever is less. Shipper must enter the following statement on the bill of lading:</p> <p style="padding-left: 40px;">"The agreed or declared value of the property is hereby specifically stated by the shipper to be one-half (½) of actual value or 50 cents per pound, per article, whichever is less."</p> <p>If the shipper fails or declines to declare such value in writing, the provisions making reference hereto will not apply.</p> <p>NOTE 2.--Split delivery shipments shall be limited to a maximum of two component parts.</p> <p style="text-align: center;">(Continued on following page)</p>	<p style="text-align: center;">35.3</p> <p style="text-align: right;">*0 393</p>
<p>* Addition ) Decision No. <b>88314</b> o Reduction )</p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

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>	<p style="text-align: center;">Class Rating</p>																
<p>NOTE 3.--LOADING AND UNLOADING:</p> <p>(a) Carrier's trailer(s) may be spotted for loading or unloading at consignor's or consignee's place of loading or unloading, and the same unloaded or loaded trailer(s) must be picked up during the same work day. The term PLACE of loading or unloading means a particular street address or other designation of a factory, store, warehouse, place of business, or the like;</p> <p>(b) POWER LOADING AND UNLOADING is to be performed by the consignor or consignee. The carrier or his employee need not remain with the spotted trailers, and may not engage nor pay for the services of helpers under any circumstances;</p> <p>(c) All shipments must be UNITIZED (securely fastened to elevating or lift truck pallets, platforms or skids, or assembled into bundles with metal wire or other banding or strapping materials).</p> <p>NOTE 4.--Not applicable in connection with the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Items 160-163</td> <td style="width: 50%;">- Split Pickup</td> </tr> <tr> <td>Item 181-1</td> <td>- Special C.O.D. Service</td> </tr> <tr> <td>Item 182</td> <td>- Collect on Delivery (COD) Shipments</td> </tr> <tr> <td>Item 188</td> <td>- Volume Incentive Service</td> </tr> <tr> <td>Item 292</td> <td>- Multiple Service Shipments</td> </tr> <tr> <td>Items 292 and 293.1</td> <td>- Special Volume Incentive Service</td> </tr> <tr> <td>Item 293.2</td> <td>- Premium Volume Incentive Service</td> </tr> <tr> <td>Item 293.4</td> <td>- Truckload Efficiency Service</td> </tr> </table> <p>NOTE 5.--Not applicable when used in combination with rates not authorized by this item.</p>	Items 160-163	- Split Pickup	Item 181-1	- Special C.O.D. Service	Item 182	- Collect on Delivery (COD) Shipments	Item 188	- Volume Incentive Service	Item 292	- Multiple Service Shipments	Items 292 and 293.1	- Special Volume Incentive Service	Item 293.2	- Premium Volume Incentive Service	Item 293.4	- Truckload Efficiency Service	<p style="text-align: center;">*0 393</p>
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<p>* Addition ) o Reduction ) Decision No. <b>88314</b></p>																	
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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 corresponding item numbers of the Governing Classification.)		Class Rating
(Items 395, 396 and 397)		
Toilet Preparations and other articles as described in Lists 1, 2 and 3 below (Subject to Notes 1 through 15):		
Less truckload, Minimum Weight 5,000 pounds, subject to Note 15-----		70
Truckload:		
Minimum Weight 24,000 pounds, subject to Note 15-----		50.1
Minimum Weight 32,000 pounds-----		35.1
Minimum Weight 40,000 pounds-----		35.2
Minimum Weight 50,000 pounds-----		35.3
List 1 -		
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)		395
(Continued in Item 396)		
(1) Item 390 transferred to Thirtieth Revised Page 39.		
EFFECTIVE		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		