

Decision No. 90128 1 MAR 27 1979

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. 1039
(Filed December 26, 1978)

OPINION AND ORDER

Minimum Rate Tariff 2 (MRT 2) names rates and rules for the statewide transportation of general commodities by highway carriers. By this petition, California Trucking Association (CTA) and Cannery League of California seek to increase the "Full Service Canned Goods Rates" (Item 631) by four percent.

CTA points out that the companion truckload items to Item 631 were increased by six percent by Decision 88817 and an additional 2½ percent by Decision 89978. In both these cases, CTA requested that Item 631 not be increased in order to maintain the original rate relationship to rail rates. Petitioners now seek the same increase granted to the railroads pursuant to X-349 which is within the President's wage-price guidelines.

The petition was listed on the Commission's Daily Calendar of December 28, 1978. 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 minimum 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.

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 thirty-nine days after the date hereof, Fourth Revised Page 47.1 and First Revised Page 47.6 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 also to Decision 31606, as amended, are directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.

3. Tariff publications required to be made by common carriers as a result of this order shall be made effective not earlier than thirty-nine days after the date hereof and may be made effective on not less than five days' notice to the Commission and to the public.

4. Common carriers, in establishing and maintaining the amendments authorized by this order, are 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.

6. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariff 2.

7. The Executive Director shall serve a copy of the tariff amendments on each subscriber to Minimum Rate Tariff 2.


C. 5432, Pet. 1039 - FS

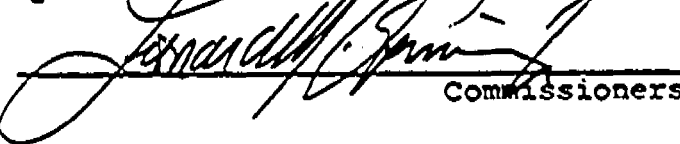
The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 27th day of MARCH, 1979.



President





Commissioners

Commissioner Vernon E. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Richard D. Gravello, being necessarily absent, did not participate in the disposition of this proceeding.

MINIMUM RATE TARIFF 2

SECTION 3--COMMODITY RATES (Continued) In Cents Per 100 Pounds		ITEM
FULL SERVICE CANNED GOODS RATES		
Canned Goods, as described in Items 320 and 320-1.		
BETWEEN AND	LOS ANGELES BASIN TERRITORY, as described in Item 270 RATES (See Notes 1 through 4) Minimum Weight 48,000 Pounds (1) (2)	
SAN FRANCISCO TERRITORY, as described in Item 270-3		
SACRAMENTO NORTH SACRAMENTO	101	
THORNTON LODI STOCKTON	94	
TRACY MODESTO	90	
ATWATER MERCED	81	
GRIDLEY	108	
KINGSBURG HANFORD TULARE FRESNO	78	80 631
<p>NOTE 1.--The minimum weights named in connection with rates in this item apply to each unit of carrier's equipment in which the shipment is transported.</p> <p>NOTE 2.--When moving in mixed shipments with other commodities not named in Items 320 and 320-1, the entire shipment shall be subject to the provisions of Notes 1 through 4.</p> <p>NOTE 3.--Rates named in this item may not be used in combination with any other rates.</p> <p>NOTE 4.--The rates named in this item are subject to provisions of Items 900 and 900.1 (Routing).</p> <p>(1) Not applicable to shipments which are subject to Temperature Control Service.</p> <p>(2) Shipments transported at rates making reference hereto may not be accorded split pickup service, split delivery service or multiple shipment service. Shipments may be stopped to complete loading and/or partially unload at a charge of \$80.00 per stop for such service. The charge is not applicable to the stop for delivery at final destination. A total of not more than two (2) stops at ** points *within or between origin and destination territories via routes described in Items 900 and 900.1, plus a stop for delivery at final destination will be permitted.</p>		
<p>⊘ Change) * Addition) ◊ Increase) ** Eliminated)</p>	Decision No.	90128
EFFECTIVE MAY 5, 1976		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

SECTION 3--COMMODITY RATES (Continued)	ITEM
<p style="text-align: center;">RULES AND REGULATIONS GOVERNING THE APPLICATION OF RATES IN ITEM 633 (LIMITED SERVICE CANNED GOODS RATES)</p> <p>NOTE 9.--An allowance of one and one-half (1½) hours free time for loading and two (2) hours free time for unloading shall be made in connection with each unit of carrier's equipment used. Excess loading or unloading time will be charged for at 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 carrier's equipment is released. Excess unloading charges shall be billed to and collected from the consignee; provided however, that if charges are not paid by the consignee within the period covered by Paragraph (b) of Item 250, such charges shall be billed to the consignor (shipper) who will thereafter be liable for payment as provided in Paragraph (c) of Item 250. For purposes of applying the provisions of this note, "place of loading or unloading" means the particular street address or other designation of a factory, store, warehouse or place of business.</p> <p>NOTE 10.--Shipments may be stopped to complete loading and/or unload at a charge of \$80.00 per stop for such service; provided, however, that the charge is not applicable to the stop for delivery at final destination. A total of not more than two (2) stops between origin and final destination will be permitted. The distance in such circumstances will be computed from point of origin to point of destination via stop-off points in the order shown on the bill of lading. If shipments are stopped, the total free time for all deliveries will be increased by not more than one-half (½) hour per intermediate stop beyond the time allowed in Note 9 herein.</p> <p>NOTE 11.--Empty pallets, meaning wooden pallets, six inches or less in height, as described in Item 150390, Sub 4 of the Governing Classification, without bodies, enclosures, ends, sides, stakes, standards or stacking posts, may be transported without charge when being returned from the place of destination of a palletized shipment transported under provisions of this item to the place of origin of the same palletized shipment (subject to Rules A through E, below):</p> <p>A. Shipper of the loaded palletized shipment must certify on the bill of lading that such shipment was loaded onto carrier's equipment with mechanical equipment operated by personnel furnished by the shipper. The consignee of said shipment must certify on the carrier's delivery receipt that the palletized shipment was removed from carrier's equipment with mechanical equipment operated by personnel furnished by the consignee.</p> <p>B. The bill of lading covering the shipment of empty pallets shall be prepared by the shipper of such empty pallets, and must make reference to the palletized shipment by number or other individual identity.</p> <p>C. Consignee of the loaded palletized shipment shall provide the carrier with empty pallets of equal quality and condition immediately upon completion of unloading of the palletized shipment.</p> <p style="text-align: center;">(Continued on next page)</p>	<p>0633</p>
<p>◊ Increase, Decision No. 90128 </p>	
<p>EFFECTIVE MAY 5, 1979</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction