

Decision No. 90458 JUN 19 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the investigation)  
for the purpose of considering and)  
determining minimum rates for )  
transportation of fresh or green )  
fruits and vegetables and related )  
items statewide as provided in )  
Minimum Rate Tariff 8-A and the )  
revisions or reissues thereof. )

Case No. 5438  
Petition for Modification No. 122  
(Filed May 11, 1979)

OPINION AND ORDER

Minimum Rate Tariff 8-A (MRT 8-A) contains minimum rates and rules for the transportation of fresh fruits, fresh vegetables, and nuts from points of production to wholesale markets and chain store warehouses. By the above petition, the California Arizona Citrus League requests the Commission extend, until June 30, 1980, the expiration date of Exception 1 to Item 330 in MRT 8-A. Item 330 provides for, among other things, provided weights for onions, beets, turnips, rutabagas, parsnips, carrots, potatoes, oranges, lemons and grapefruit. These provisions shown in Exception 1 to Item 330, were established on an experimental basis to enable a period of shipper and carrier use and exposure to the new concept, prior to evaluating the need for further revision.

Petitioner points out that the provisions have worked well and have been mutually beneficial and other modifications may be desirable so additional time is needed to formalize these and other modifications.

The petition was listed on the Commission's Daily Calendar of May 14, 1979. On May 31, 1979, the California Trucking Association filed a protest to the relief sought by petitioner, on the basis that petitioner had already been granted sufficient time to make a study of provided weights. The provisions on provided weights for the above-mentioned commodities were put into effect in MRT 8-A by Decision 85826, dated May 18, 1976. In this decision, the Commission stated, "The tariff amendments found reasonable herein will establish an expiration date

for the provided weights on the commodities described above. Within that two-year period, actual shipment weights should be gathered by the proponents of the continued use of such provided weights to be presented by them at a future public hearing in which the Commission will consider whether such tariff provisions should expire or whether the use of provided weights should be continued." Petitioner states that it will not be possible for it to complete its study by June 30, 1979 and a final one-year continuance of the provisions for it to bring the study to a final conclusion is requested. Because the current harvest is underway, this authority is needed immediately.

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 that the effective date of this order should be the date hereof because there is an immediate need for this relief.

IT IS ORDERED that:

1. Minimum Rate Tariff 8-A (Appendix B to Decision 85826, as amended) is further amended by incorporating therein, to become effective July 1, 1979, Second Revised Page 31 and Second Revised Page 32 attached thereto 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 85826, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustment ordered by this decision.

3. Tariff publications authorized to be made by common carriers as a result of this order may be made effective not earlier than July 1, 1979 and may be made effective on not less than one day's 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 85826, 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 19<sup>th</sup> day of June, 1979.

John E. Guyson  
President  
Henry L. Sturgeon  
Robert D. Swales  
Charles T. DeLoach  
Leonard W. Gunn  
Commissioners

| SECTION 1--RULES OF GENERAL APPLICATION (Continued)  | ITEM   |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
|--|--|--|--------------------|------------------------|--------------------|------------------------|--------------------|------------------------|--------------------|------------------------|---------------------|---------------------|--|------------------------|----------------------|----------------------|------------|
| <p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p>Rates or accessorial charges may be quoted or assessed by carriers on a per package basis provided.</p> <p>(1) The freight charges assessed are not less than those which would have been assessed had the rates and accessorial charges stated in this tariff been applied and</p> <p>(2) The carrier's shipping documents contain all the information necessary to compute the freight charges on the basis of the unit of measurement provided in this tariff.</p>  | 320  |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| <p style="text-align: center;">GROSS WEIGHT</p> <p>(a) Charges shall be assessed on the gross weight of the shipment as tendered, including container icing, if any. No allowance shall be made for the weight of containers. (See Exceptions 1, 2 and 3)</p> <p>(b) In connection with shipments weighing 20,000 pounds or more, transported for distance in excess of 50 constructive miles, the actual gross weight of the shipments shall be confirmed by a public weighmaster's certificate, which shall be obtained by the carrier prior to or at the time of unloading. (See Notes 1, 2, and 3) Iced shipments shall be weighed at first available scale along route of movement.</p> <p>(c) When the carrier obtains a public weighmaster's certificate, charges shall be based on the weight of the commodities as confirmed by the public weighmaster's certificate. The original and duplicate copy of the public weighmaster's certificate shall be affixed to the shipper's and carrier's copy of the freight bill (See Item 190), respectively.</p> <p>(d) Whenever a carrier is requested by the shipper, consignee or debtor to obtain a certified weight from a public scale, or when a carrier must obtain a certified weight for billing purposes or for other legal requirements, and a charge is assessed by the public weighmaster for this service, the carrier shall assess a charge of not less than the actual amount paid by the carrier to the public weighmaster for the weighing service for each weight certificate obtained and furnished to the debtor or other person requesting a certified weight.</p> <p>(E) EXCEPTION 1.--On shipments containing exclusively the commodities provided below, charges shall be assessed on the gross weights as follows:</p> <table border="0" style="width: 100%; margin-top: 10px;"> <tr> <td style="text-align: center; width: 50%;"><u>When Packed and Invoiced as:</u></td> <td style="text-align: center; width: 50%;"><u>Charges shall be assessed on Gross Weight per Package of:</u></td> </tr> <tr> <td style="text-align: center;">10 Pounds per Sack</td> <td style="text-align: center;">10 1/2 Pounds per Sack</td> </tr> <tr> <td style="text-align: center;">15 Pounds per Sack</td> <td style="text-align: center;">15 1/2 Pounds per Sack</td> </tr> <tr> <td style="text-align: center;">25 Pounds per Sack</td> <td style="text-align: center;">25 1/2 Pounds per Sack</td> </tr> <tr> <td style="text-align: center;">50 Pounds per Sack</td> <td style="text-align: center;">50 1/2 Pounds per Sack</td> </tr> <tr> <td style="text-align: center;">100 Pounds per Sack</td> <td style="text-align: center;">101 Pounds per Sack</td> </tr> <tr> <td style="text-align: center;">Five 10-Pound Consumer Paper Bags per Sack</td> <td style="text-align: center;">51 3/4 Pounds per Sack</td> </tr> <tr> <td style="text-align: center;">50 Pounds per Carton</td> <td style="text-align: center;">53 Pounds per Carton</td> </tr> </table> <p style="text-align: center; margin-top: 10px;">(Continued)</p> <p>(1) Portion of this item transferred to Second Revised Page 32.</p> | <u>When Packed and Invoiced as:</u>                              | <u>Charges shall be assessed on Gross Weight per Package of:</u> | 10 Pounds per Sack | 10 1/2 Pounds per Sack | 15 Pounds per Sack | 15 1/2 Pounds per Sack | 25 Pounds per Sack | 25 1/2 Pounds per Sack | 50 Pounds per Sack | 50 1/2 Pounds per Sack | 100 Pounds per Sack | 101 Pounds per Sack | Five 10-Pound Consumer Paper Bags per Sack | 51 3/4 Pounds per Sack | 50 Pounds per Carton | 53 Pounds per Carton | (1)<br>330 |
| <u>When Packed and Invoiced as:</u>  | <u>Charges shall be assessed on Gross Weight per Package of:</u> |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| 10 Pounds per Sack   | 10 1/2 Pounds per Sack   |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| 15 Pounds per Sack   | 15 1/2 Pounds per Sack   |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| 25 Pounds per Sack   | 25 1/2 Pounds per Sack   |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| 50 Pounds per Sack   | 50 1/2 Pounds per Sack   |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| 100 Pounds per Sack  | 101 Pounds per Sack  |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| Five 10-Pound Consumer Paper Bags per Sack   | 51 3/4 Pounds per Sack   |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| 50 Pounds per Carton   | 53 Pounds per Carton   |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| <p>906 (K) Expires with June 30, 1980.</p> <p style="margin-left: 40px;"> <input type="checkbox"/> Change )<br/> <input type="checkbox"/> Increase ) Decision No. <span style="font-size: 1.2em; font-weight: bold;">90458</span><br/> <input type="checkbox"/> Reduction )         </p>   |  |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| <p>EFFECTIVE <span style="font-size: 1.5em; font-family: cursive;">7/1/79</span></p>   |  |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |
| <p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,<br/>         SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>   |  |  |                    |                        |                    |                        |                    |                        |                    |                        |                     |                     |  |                        |                      |                      |            |

| ITEM              | SECTION 1 - RULES OF GENERAL APPLICATION (Continued)   |
|-------------------|--|
|                   | <p style="text-align: center;">GROSS WEIGHT (Concluded)</p> <p>(b) ORANGES or LEMONS when packed in standard orange or lemon box with inside depth, width and length dimensions of 10-1/4 X 10-11/16 X 16-3/8", identified as container 58 in Title 3, Section 1380.19 of the California Administrative Code, charges shall be assessed on the gross weights as follows:<br/> ORANGES - 37 1/2 lbs. per box      LEMONS - 40 lbs. per box.</p> <p>(c) GRAPEFRUIT when packed in standard grapefruit box with inside depth, width and length dimensions of 9-3/4 X 10-11/16 X 16-3/8", identified as container 59 in Title 3, Section 1380.19 of the California Administrative Code, charges shall be assessed on the gross weight 35 1/2 lbs. per box.</p> <p>EXCEPTION 2.--When palletized shipments subject to minimum weights of 20,000 pounds or more are loaded or unloaded with power equipment, the weight of the pallets (elevating truck pallets or platforms or lift truck skids) shall not be used in determining the weight of the shipment nor the charges thereon. When rail rates are used under provisions of Items 70, 80, 90 and 100 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.</p> <p>EXCEPTION 3.--When rail rates are used under the provisions of Items 70, 80, 90 and 100 of this tariff, actual, estimated or agreed weights shall be used to compute charges in accordance with the provisions of the governing rail tariff.</p> <p>(1)<br/>330      NOTE 1.--A single public weighmaster's certificate shall be obtained for each unit of carrier's equipment which contains (a) one or more shipments weighing 20,000 pounds or more and other shipments or (b) a portion of a shipment weighing 20,000 pounds or more and other shipments. Such certificate shall show the combined actual weight of all shipments on each such unit of carrier's equipment. The combined weight thus obtained shall be allocated among the shipments in each unit of carrier's equipment. A load manifest or similar document shall be prepared for each such unit which shall set forth the kind and quantity of each commodity in each shipment and the method of allocating the weight to each.</p> <p>NOTE 2.--Carriers are not required to obtain a public weighmaster's certificate:</p> <p>(a) When the weighing of the shipment on a public weighmaster's scale would require the carrier to traverse a route which is more than five constructive miles longer than the shortest route from point(s) of origin to point(s) of destination as determined in accordance with Item 180.</p> <p>(b) When no public weighmaster's scale along the route of movement is open for weighing at the time the carrier arrives at the scale point.</p> <p>(c) When tariff agreed weights set forth in Exception 1 (above) are used to determine gross weights.</p> <p>NOTE 3.--Not applicable in connection with rates named in Section 3.</p> |
|                   | <p>(1) Portion of this item transferred from First Revised Page 31, Decision No.</p> <p style="text-align: center; font-size: 2em;"><b>90458</b></p>   |
|                   | <p style="text-align: right;">EFFECTIVE 7/1/79</p>   |
| <p>Correction</p> | <p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,<br/>SAN FRANCISCO, CALIFORNIA.</p>  |