

EAB/FS

Decision No. 90760

AUG 28 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
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. 1048
(Filed June 27, 1979)

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) seeks authority to establish a commodity rate item for perlite insulation board in MRT 2.

CTA alleges that a new commodity rate is justified by the special transportation circumstances created by and recognized for the proposed item. CTA states that perlite insulation board is sold and shipped in truckload quantities, and it is palletized and shrink-wrapped prior to loading of the shipment. CTA further states that shipments are power loaded by the shipper, who, when loading, metal bands the product onto the trailer and that power unloading is performed by the consignee. According to CTA, both loading and unloading are performed without expense to the carrier; whereas, under class rates, the rates provide for loading and unloading by hand.

CTA indicates that mixture provisions of 33-1/3 percent applicable under the class rates, have been reduced to a five percent limitation in the proposed commodity rate item, and the proposed rate item also requires that the minimum weight of 50,000 pounds apply per unit of carrier's equipment.

CTA contends that the proposed rate levels represent consideration being given to the total effect of all of the cost saving components incorporated into the proposed item, and the actual movement of the involved commodity. CTA alleges that no single cost saving component can be isolated for its specific contribution, but the total cost saving components, joined with their impact upon the specific movements of this commodity, create an unique transportation circumstance that allows carriers to propose reduced commodity rates. CTA declares that the proposed rates are at a level equivalent to those set forth in Supplement 143 of Minimum Rate Tariff 2, and, therefore, any general increases granted subsequent thereto should be incorporated into the proposed rates.

The petition was listed on the Commission's Daily Calendar of June 29, 1979. 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, the Supplement, revised and Original pages set forth 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 also to Decision 31606, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.
3. Tariff publications authorized 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 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 carrier's 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.

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

Dated AUG 28 1979, at San Francisco, California.

John E. Coyne
President

Herbert L. Sturgeon

Richard D. Kavalch

Leonard J. Quinn
Commissioners

Commissioner Claude T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

C. 5432, Pet. 1048*

APPENDIX A

LIST OF REVISED PAGES
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ORIGINAL		PAGE	51-EEEEEE

(END OF APPENDIX A)

REGULATIONS TO IMPLEMENT

THE PUBLIC UTILITIES COMMISSION HAS ADOPTED THE FOLLOWING REGULATIONS TO IMPLEMENT THE SURCHARGE SUPPLEMENT 149

(Cancels Supplement 148)

(Supplements 73, 77, 87, 124, 127, 139 and 149 Contain All Changes)

MINIMUM RATE TARIFF 1

NAMING

MINIMUM RATES AND RULES

FOR THE TRANSPORTATION OF PROPERTY OVER THE PUBLIC HIGHWAYS WITHIN THE STATE OF CALIFORNIA

PUBLIC HIGHWAYS WITHIN THE STATE OF CALIFORNIA

STATE OF CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

CEMENT CONTRACT CARRIERS

DUMP TRUCK CARRIERS

HOUSEHOLD GOODS CARRIERS

DECLARATION NO.

90760

EFFECTIVE

10/6/79

APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the provisions of this tariff, and increase the amount so computed as follows:

- 1. By nine and three-quarters (9 3/4) percent on charges computed at rates provided in Items 640, 643, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000
- 02. By two (2) percent on charges computed at rates provided in Item 721;
- 03. Except as provided in paragraphs 1 and 2, by eleven and one-half (11 1/2) percent on charges computed at rates subject to minimum weights of 5,000 pounds or more;
- 4. By three and one-half (3 1/2) percent on rates in Item 631 and Note 10 of Item 633;
- 5. By ten and one-half (10 1/2) percent on all other rates and charges.

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped, and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

- 6. The surcharges herein shall not apply to:
 - 1. Supplement 139;
 - 2. Item 110 - Deductions;
 - 3. Item 124 - Charges for Escort Service Stated in Cents per Mile in Paragraph (2) and charges in Paragraphs (b) and (c);
 - 4. Item 128 - Charges for Permit Shipments;
 - 5. Item 141 - Storage and Reloading Charges;
 - 6. Item 143 - Demurrage Charges;
 - 7. Item 145 - Accessorial Charges in Subparagraph (b);
 - 8. Item 147 - Advertising on Equipment;
 - 9. Item 181-1 - Special C.O.D. Service;
 - 10. Item 182 - Collect on Delivery (C.O.D.) Shipments;
 - 11. Items 185-1 through 187-3 - Temperature Control Service;
 - 12. Items 200 through 230 - (Railhead-to-railhead Charges Only).

THE END

Change or Reduction Decision No.

0273e

OR RECEIVED

APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the provisions of this tariff, and increase the amount so computed as follows:

- 1. By nine and three-quarters (9¾) percent on charges computed at rates provided in Items 640, 643, 646;
- 2. By two (2) percent on charges computed at rates provided in Item 721;
- 3. Except as provided in paragraphs 1 and 2, by eleven and one-half (11½) percent on charges computed at rates subject to minimum weights of 5,000 pounds or more;
- 4. By three and one-half (3½) percent on rates in Item 631 and Note 10 of Item 633;
- 5. By ten and one-half (10½) percent on all other rates and charges.

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (½) cent shall be dropped, and fractions of one-half (½) cent or greater shall be increased to the next higher whole cent.

6. The surcharges herein shall not apply to:

- 1. Supplement 139;
- 2. Item 110 - Deductions;
- 3. Item 124 - Charges for Escort Service Stated in Cents per Mile in Paragraph (2), and charges in Paragraphs (b) and (c);
- 4. Item 128 - Charges for Permit Shipments;
- 5. Item 141 - Storage and Reloading Charges;
- 6. Item 143 - Demurrage Charge;
- 7. Item 145 - Accessorial Charges in Subparagraph (b);
- 8. Item 147 - Advertising on Equipment;
- 9. Item 181-1 - Special C.O.D. Service;
- 10. Item 182 - Collect on Delivery (C.O.D.) Shipments;
- 11. Items 185-1 through 187-3 - Temperature Control Service;
- 12. Items 200 through 230 - (Railhead-to-railhead Charges Only).

THE END

Change) Decision No.
Reduction)

90760

REGULATIONS OF THE PUBLIC UTILITIES COMMISSION

These regulations are intended to provide for uniformity in the rates and charges of the carriers and to provide for the collection of the surcharge supplement.

(Cancels Supplement 148), and the following supplements (Supplements 73, 77, 87, 124, 127, 139 and 148 contain all changes).

MINIMUM RATE TARIFF 2

NAMING

MINIMUM RATES AND RULES

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

CEMENT CONTRACT CARRIERS

DUMP TRUCK CARRIERS

AND

HOUSEHOLD GOODS CARRIERS

Decision No.

00700

EFFECTIVE

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* Change) * Addition) Decision No.	90760
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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

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
Milk	335.6,345,833	Oils, other than petro-	
Milk (condensed, evaporated or sterilized)	320,335.7	leum, lubricating (M)	325,820
Milk Food, other than malted, liquid	320,335.7	Olives	320-1
Milk, Malted	360.5	Onion Chips	320
Milk, Pasteurized	345	Onion, Powdered	320
Milk, Solids, dry	345	Outfits, Insect destroying (M)	377.5,723-726
Milk, Sterilized	320,335.7,345	Outfits, Oil, Water or Gas Well	365, 720
Milk Substitutes	335.7,345		
Mince Meat	320	Packets (M)	395-397,880
Mineral Mixtures	652-654	Pads	332
Mix, Pizza Pie	345	Pads (M)	395-397,880
Mixes, basic food sauce, or food dip, dry	360.5	Paint, asphaltic (M)	377.5,723-726
Mixtures, Mineral	652-654	Paint, Compounds (M)	325,820
Molasses	320-1	Paint, liquid (M)	377.5,723-726
Molasses (M)	652-654	Pallets	330-4
Monethanolamine (M)	325,820	Pamphlets (M)	395-397,880
Monoglycerides of Fat-forming Fatty Acids	335.5	Paper	395, 765, 770
Moss	370,860	Paper Bags (M)	395-397,880
Mouthwash (M)	340,840	Paper, Building, Roofing or Sheathing	370.4, 761,767
Mud or Compounds, well drilling	365	Paper, cash register	865
Mulch, horticultural	370,860	Paper, computing machine	865
Mushrooms	320-1	Paper, printing	865
Mustard	360.5	Paper, Scrap or Waste	866
Mustard, prepared	320-1	Paper, Wrapping (M)	395-397,880
		Paperboard or Pulpboard	770
Nails	760, 764, 765	Parts, Boiler (M)	365
Noodles and Cheese	345	Paste, Confectionery	360
Noodles, except canned	360.5	Paste, Icing	360
Noodles, (prepared)	320	Paste, Tomato	320-1
Noodles, dry, and other ingredients	345,360.5	Paving Joints, expansion	761,767
Notions (M)	395-397,880	Peaches, powdered	350
Nursery stock	843	Peanut Butter	320-1
Nut Meats	864	Peanut Spread	320-1
Nuts	760, 764, 765	Peat	370,860
Nuts, edible, shelled	350, 360.5, 863.1	Pectin, Fruit or Vegetable	320-1
		Peel, fruit, candied, crystallized glazed or stuffed	360
Oil, Cooking	320-1,335.5	Peel, grapefruit, lemon or orange, dried	350
Oil, Olive	320-1	Pencils, lead (M)	395-397,880
Oil (other than medicinal) (M)	377.5,723-726	Perfumery (M)	340,395-397,840, 880
Oil, petroleum medicinal (M)	377.5,723-726	*Perlite, insulation board	721
Oil, Salad	320-1,335.5	Peroxide, hydrogen (M)	340,840
		Petroleum and Petroleum products as described in Governing Classification	377.5, 723-726

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

* Addition, Decision No. **90760**

EFFECTIVE **10/6/79**

Correction

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

SECTION 3--COMMODITY RATES (Continued)						ITEM
In Cents Per 100 Pounds						
PERLITE INSULATION BOARD, as described in Item 103300 of the Governing Classification (Subject to Notes 1 through 6, herein).						
MILES		RATES		MILES		RATES
Over	But Not Over	Minimum Weight 50,000 Pounds		Over	But Not Over	Minimum Weight 50,000 Pounds
0	5	10		200	220	69
5	10	11 ¹ / ₄		220	240	72
10	15	13		240	260	78
15	20	16		260	280	81
20	25	19		280	300	89
25	30	20		300	325	91
30	35	22		325	350	94
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40	45	26		375	400	101
45	50	28		400	425	105
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100	110	44		550	575	126
110	120	46		575	600	130
120	130	48		600	650	135
130	140	50		650	700	141
140	150	53		700	750	149
150	160	56		750	800	158
160	170	58		800	---	9(1)
170	180	61				
180	190	64				
190	200	66				

*6
721

(1) Add the amount shown to the rate for 800 miles, for each 50 miles or fraction thereof in excess of 800 miles.

NOTE 1.--The provisions of this item also apply on materials necessary for installation not to exceed five percent of the weight upon which the charges are assessed.

NOTE 2.--The minimum weight applies to each unit of carrier's equipment in which the shipment is transported.

NOTE 3.--Rates named in this item may not be used in combination with any other rates.

(Continued on following page).

* Addition)
o Reduction) Decision No.

90760

EFFECTIVE 10/6/79

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

Correction

SECTION 3--COMMODITY RATES (Continued) In Cents Per 100 Pounds	ITEM
<p>PERLITE INSULATION BOARD (Concluded)</p> <p>NOTE 4.--Rates apply only when released to a value of 19 cents per pound, per article. Shipper must enter the following statement on the bill of lading or shipping document:</p> <p style="padding-left: 40px;">"The agreed or declared value of Perlite Insulation Board is hereby specifically stated by the shipper to be 19 cents per pound, per article."</p> <p>If the shipper fails or declines to declare such value in writing, other provisions of this tariff shall apply.</p> <p>NOTE 5.--Loading and Unloading:</p> <p>(a) Power Loading and Unloading:</p> <p style="padding-left: 40px;">Shipments must be power loaded by consignor and power unloaded by consignee with equipment furnished and used without expense to the carrier, provided, however, that the carrier may furnish a forklift for unloading in accordance with the provisions of Item 260.</p> <p>(b) Loading and Unloading Time:</p> <p style="padding-left: 40px;">An allowance of one hour for loading and one hour for unloading shall be made for each unit of carrier's equipment used. The free time shall be computed from the time of arrival of carrier's equipment at the place of loading or unloading, until loading or unloading is completed and carrier's equipment is released. 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>(c) Excess loading or unloading time shall be charged for at the rates provided in Item 145 of this tariff.</p> <p>NOTE 6.--Split delivery shipments shall be limited to a maximum of five (5) component parts.</p>	<p>79 721 (Con- clud- ed)</p>
<p>* Addition) Decision No. o Reduction)</p> <p style="font-size: 2em; font-weight: bold;">90760</p>	
<p>EFFECTIVE <i>10/6/79</i></p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	