

Decision No. 90805 SEP 12 1979

ORIGINAL

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 general commodities )  
 in the Counties of Contra Costa, Lake, )  
 Marin, Mendocino, Monterey, Napa, San )  
 Benito, San Mateo, Santa Clara, Santa )  
 Cruz, Solano and Sonoma, and in the )  
 County of Alameda and in the City and )  
 County of San Francisco as provided in )  
 Minimum Rate Tariffs 1-B and 19, )  
 respectively, and the revisions or )  
 reissues thereof. )

Case No. 5441, OSH 408  
(Filed April 18, 1978)

OPINION AND ORDER

Decision No. 90802, entered today in Case No. 5432 (OSH 1019) et al., and in Case No. 5441 (OSH 408) found that the following described traffic should be exempted from the minimum rates in Minimum Rate Tariffs 2, 1-B, and 19:

"Property, in interstate or foreign commerce, when transported in continuity with a prior or subsequent vessel movement".

That decision also found that the tariffs should be amended by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff 1-B (Appendix B of Decision No. 65834, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, Fourth Revised Page 14-A, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 19 (Appendix A of Decision No. 41363, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date

hereof, Fourth Revised Page 15-B, attached hereto and by this reference made a part hereof.

3. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decisions Nos. 65834 and 41363, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.

4. Tariff publications authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the ninth day after the effective date of this order, and may be made effective on not less than five days' notice to the Commission and the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

5. Common carriers, in establishing and maintaining the rates 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 rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

6. In all other respects Decisions Nos. 65834 and 41363, as amended, shall remain in full force and effect.

7. 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 Tariffs 1-B and 19.

8. The Executive Director shall serve a copy of the tariff amendments on each subscriber to Minimum Rate Tariffs 1-B and 19.

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

Dated SEP 12 1979, at San Francisco, California.

John E. Byrne  
President  
Wesley L. Stangor  
Richard D. Kessler  
William J. ...  
James M. ...  
Commissioners

MINIMUM RATE TARIFF 1-D

SECTION 1--RULES (Continued)	FORM
<p style="text-align: center;">APPLICATION OF TARIFF--COMMODITIES (Concluded)                      (Items 30, 31 and 32)</p> <p>3. Rates in this tariff will not apply to the transportation of the following:</p> <ul style="list-style-type: none"> <li>Commodities weighing 100 pounds or less per piece or package when delivered from retail stores, or when returned to the original retail store shipper via the carrier which handled the outbound movement</li> <li>Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol</li> <li>Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States government, governmental agencies or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported</li> <li>Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight; further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer</li> <li>Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency</li> <li>*Property, in interstate or foreign commerce, when transported in continuity with a prior or subsequent vessel movement</li> <li>Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services</li> <li>Property shipped to or from producers of motion pictures or television shows when transported subject to the rates and rules provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended</li> <li>Property transported by special messenger service</li> <li>Property transported in connection with pickup and delivery of shipments for common carriers when such shipments are transported from or to points outside the area named herein under through pickup and delivery rates</li> <li>Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code.</li> <li>Shipments of the following commodities, when transported by carriers engaged in courier service as defined in Item No. 10 of this tariff: (1) Business Records, viz.: checks, drafts, money orders, securities, transit items, sales audit media, tabulation cards, data processing materials, legal documents, printed or reproduced documents or data and related items, video tapes, films, and printed news stories; (2) Medical specimens, viz., Human and animal specimens, contained in glass or plastic tubes or vials, or whole blood serum for medical laboratory examination; individual units of whole blood; glass slides for microscopic tissue examination; urine and stool specimens; sputum, wound and other similar cultures; tissue samples for pathological examination; X-ray photographs; medical transmittal documents, and documents reporting results of laboratory examination, and specimen envelopes, laboratory test forms and transmittal containers furnished by medical laboratories to their clients.</li> </ul> <p>4. Rates in this tariff will not apply in connection with unloading and distribution of freight forwarders' cars originating at points outside the state.</p>	#32
<p>Change )                      * Addition ) Decision No. <b>90805</b></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
APPLICATION OF TARIFF--COMMODITIES (Concluded) (Items 50, 51 and 52)	
<p>3. Rates in this tariff will not apply to the transportation of the following:</p> <p>Commodities weighing 100 pounds or less per piece or package when delivered from retail stores, or when returned to the original retail store shipper via the carrier which handled the outbound movement</p> <p>Commodities when transported in an armored car operated under permit from the Commissioner of the California Highway Patrol</p> <p>Commodities which consist of or contain materials essential to National Defense and which have been donated to and are transported for the United States Government, governmental agencies, or nonprofit organizations acting for or in behalf of said government in the collection, assembly or transportation of said commodities in connection with the recovery of said essential materials from the commodities transported</p> <p>Commodities which have been sold at retail by a retail merchant, and transported from a retail store or retail store warehouse to residences of retail customers, or transported from residences of retail customers to retail stores or retail store warehouses, and such transportation is performed in vehicles in the exclusive use of the retailer and providing no shipment exceeds 2,000 pounds in weight; further, that the merchandise is for the use or consumption of retail customers and is not for use in the furtherance of an industrial or commercial enterprise; and provided that the retailer shall certify on the shipping document for each delivery that the merchandise was sold at retail to a retail customer</p> <p>Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency</p> <p>*Property, in interstate or foreign commerce, when transported in continuity with a prior or subsequent vessel movement</p> <p>Property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services</p> <p>Property shipped to or from producers of motion pictures or television shows when transported subject to the rates and rules provided by Decision No. 33226, in Cases Nos. 4246 and 4434, as amended</p> <p>Property transported to a United States post office for mailing and United States mail transported from a post office to the addressee thereof</p> <p>Property transported in connection with pickup and delivery of shipments for common carriers when such shipments are transported from or to points outside the San Francisco city limits under through pickup and delivery rates</p> <p>Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code.</p> <p>Shipments of the following commodities, when transported by carriers engaged in courier service as defined in Item No. 10 of this tariff (1) Business Records viz., checks, drafts, money orders, securities, transit items, sales audit media, tabulation cards, data processing materials, legal documents, printed or reproduced documents or data and related items, video tapes, films and printed news stories; (2) Medical specimens, viz., Human and animal specimens, contained in glass or plastic tubes or vials, or whole blood serum for medical laboratory examination; individual units of whole blood; glass slides for microscopic tissue examination; urine and stool specimens; sputum, wound and other similar cultures; tissue samples for pathological examination; X-ray photographs; medical transmittal documents, and documents reporting results of laboratory examination, and specimen envelopes, laboratory test forms and transmittal containers furnished by medical laboratories to their clients.</p> <p>4. Rates in this tariff will not apply in connection with unloading and distribution of freight forwarders' cars originating at points outside the state.</p>	652
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EFFECTIVE	
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