

Decision No. 92007 JUL 2 1980

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 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. 126
(Filed April 9, 1980)

INTERIM OPINION

Exceptions 1(b) and (c) of Item 330 of Minimum Rate Tariff 8-A provide that charges for the transportation of oranges, lemons, and grapefruit packed in standard cartons shall be assessed on the basis of weights specified therein. Those exceptions have expired June 30, 1980. By this petition, California-Arizona Citrus League seeks to present data revising those weights. However, due to the time element involved, the current provided weights will expire before its petition will be heard and it accordingly requests that the exceptions of Item 330 be extended to such time as the Commission finally determines the merits of this petition. California Trucking Association has expressed opposition to the granting of Petition No. 126, as it believes the provided weights are too low and actual weights should apply.

The effective date of the following order should be the date of signature to timely extend the present tariff provisions.

INTERIM ORDER

IT IS ORDERED that:

1. The expiration date provided in Exceptions 1(b) and (c) of Item 330 of Minimum Rate Tariff 8-A shall be extended to such time as the Commission finally determines to grant in whole or in part or to deny Petition for Modification No. 126 in Case No. 5438.

2. Minimum Rate Tariff 8-A (Appendix B to Decision No. 85826, as amended) is hereby further amended by incorporating therein, to become effective July 6, 1980, Third Revised Page 31 and Third Revised Page 32 attached hereto and by this reference made a part hereof.

3. Tariff publications authorized to be made by common carriers as a result of this order may be made effective not earlier than July 6, 1980 and may be made effective on not less than one day's notice to the Commission and to the public.

4. In all other respects Decision No. 85826, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated JUL 2 1980, at San Francisco, California.

John E. Burns
President
Richard D. Howell
Clare J. Sedwick
Thomas J. ...
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> <p>(a) ONIONS, BEETS, TURNIPS, RUTABAGAS, PARSNIPS, CARROTS AND POTATOES</p> <table border="0" style="width: 100%; margin-left: 40px;"> <thead> <tr> <th style="text-align: left;"><u>When Packed and Invoiced as:</u></th> <th style="text-align: left;"><u>Charges shall be assessed on Gross Weight per Package of:</u></th> </tr> </thead> <tbody> <tr> <td>10 Pounds per Sack</td> <td>10 1/2 Pounds per Sack</td> </tr> <tr> <td>15 Pounds per Sack</td> <td>15 1/2 Pounds per Sack</td> </tr> <tr> <td>25 Pounds per Sack</td> <td>25 1/2 Pounds per Sack</td> </tr> <tr> <td>50 Pounds per Sack</td> <td>50 1/2 Pounds per Sack</td> </tr> <tr> <td>100 Pounds per Sack</td> <td>101 Pounds per Sack</td> </tr> <tr> <td>Five 10-Pound Consumer Paper Bags per Sack</td> <td>51 3/4 Pounds per Sack</td> </tr> <tr> <td>50 Pounds per Carton</td> <td>53 Pounds per Carton</td> </tr> </tbody> </table> <p style="text-align: center;">(Continued)</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	330 (Continued)
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<p>§66 (E) Expiration date extended until further order of the Commission.</p> <p> ◊ Change) ◊ Increase) Decision No. 92007 ◊ Reduction) </p>																	
<p>EFFECTIVE 7/6/80</p>																	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, 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:</p> <p style="text-align: center;">ORANGES - 39 1/2 lbs. per box LEMONS - 40 lbs. per box. (3)</p> <p>(c) GRAPFRUIT when packed in standard grapofruit 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>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 100.</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>
4330 (Con- clu- ded)	
	<p style="text-align: center;">Change, Decision No. 92007</p> <p style="text-align: right;">EFFECTIVE 7/6/50</p> <p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>