

**ORIGINAL**

Decision No. 53219

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
into the rates, rules, regulations, )  
charges, allowances and practices of )  
all common carriers, highway carriers )  
and city carriers, relating to the )  
transportation of sand, rock, gravel )  
and related items (commodities for )  
which rates are provided in Minimum )  
Rate Tariff No. 7). )

Case No. 5437  
(Pet. No. 24)

SUPPLEMENTAL OPINION AND ORDER

Minimum rates, rules and regulations for the transportation of sand, rock, gravel and related items between points in this state are set forth in Minimum Rate Tariff No. 7. Item No. 94-A of the tariff provides that the charges paid by an overlying carrier to an underlying carrier shall be not less than 95 percent of the charges applicable under the prescribed minimum rates.

By this petition the California Dump Truck Owners Association, Inc., seeks amendment of the item so as to provide that the overlying carrier may also deduct the State Transportation Tax and this Commission's gross revenue tax from the payment to the underlying carrier. Petitioner points out that it has been the practice of the carriers to deduct these taxes from the payment to the underlying carriers but that recently a question has been raised as to whether this may be done under the provisions of the tariff. It asserts that there has been no question on the carriers' part as to the propriety of this procedure and that the 95 percent basis should not be changed.

Interested parties have been notified of the filing of the petition. No objection to its being granted has been received.

In the circumstances it appears that, with slight modification, the proposed adjustment in the minimum rates is reasonable and should be granted. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566 as amended) be and it is hereby further amended by incorporating therein, to become effective July 10, 1956, First Revised Page 5-B cancels Original Page 5-B, which page is attached hereto and by this reference made a part hereof.

In all other respects said Decision No. 32566, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 13th day of June, 1956.

*John E. Mitchell*  
 President

*Justin J. Calmes*

*Ralph L. Linterman*

*William A. Doolan*

*B. V. Hardy*  
 Commissioners

Item No.	SECTION NO. 1-RULES AND REGULATIONS (Concluded)
*94-B Cancels 94-A	<p style="text-align: center;">PAYMENTS TO UNDERLYING CARRIERS</p> <p>Charges paid by any overlying carrier to an underlying carrier and collected by the latter carrier from the former for the service of said underlying carrier shall be not less than 95 percent of the charges applicable under the minimum rates prescribed in this tariff, less the gross revenue taxes (See Note) applicable and required to be paid by the overlying carrier.</p> <p>NOTE: As used in this item, the term gross revenue taxes means the California Transportation Tax payable to the California Board of Equalization and the tax payable to the California Public Utilities Commission under the Transportation Rate Fund Act.</p>
96	<p style="text-align: center;">RATES BASED ON VARYING MINIMUM TRUCKLOAD WEIGHTS</p> <p style="text-align: center;">(Applies only in connection with rates making reference to this item)</p> <p>When charges on a shipment transported in one unit of dump truck equipment at one time based on actual weight exceed the charges which would accrue if charges were computed upon a rate based upon a higher minimum weight, the latter will apply.</p>
<p>* Change, Decision No. 53219</p>	
<p style="text-align: center;">EFFECTIVE JULY 10, 1956</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 514</p>	