

Decision No. 56260

ORIGINAL

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 property by vacuum-type and pump-type)
tank vehicles (including transportation)
for which rates are provided in Minimum)
Rate Tariff No. 13).)

Case No. 6008

SUPPLEMENTAL OPINION AND ORDER

On March 3, 1958, the Supreme Court of the United States in Public Utilities Commission of the State of California, vs. The United States, 2 L. ed. 2d, 470, held that the state may not infringe upon the right of the Federal Government to obtain transportation at such rates as it may negotiate. This decision finally disposed of the case of United States of America, Plaintiff, vs. Public Utilities Commission of the State of California, Defendant, Civil Action No. 35101, in the United States District Court for the Northern District of California, Southern Division.

In the circumstances, Minimum Rate Tariff No. 13 will be amended to exempt clearly the transportation of property of the United States.

Therefore, good cause appearing,


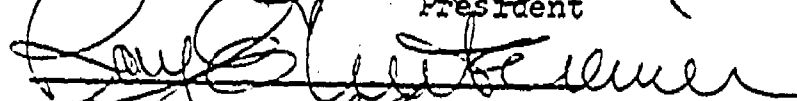

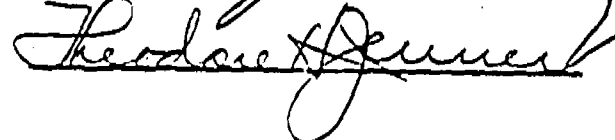
IT IS ORDERED that Minimum Rate Tariff No. 13 (Appendix "B" of Decision No. 55584) be and it is hereby amended by incorporating therein to become effective June 20, 1958, First Revised Page 6, which revised page is attached hereto and by this reference made a part hereof.

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In all other respects said Decision No. 55584, shall remain in full force and effect.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of May, 1958.


President



Commissioners

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">APPLICATION OF TARIFF - COMMODITIES</p> <p>Rates in this tariff apply for the transportation of the following commodities:</p> <p>Commodities in semi-plastic form; Commodities in suspension in liquids; and, Liquids;</p> <p>when such transportation is incidental to the construction, operation or maintenance of oil or gas wells, oil pipe lines or oil storage facilities (See Exception).</p> <p>EXCEPTION: *The rates in this tariff do not apply to the following: (a) Transportation for which rates are provided in Minimum Rate Tariff No. 6. #(b) Transportation of property for the United States Government.</p>	<p style="text-align: center;">*40-A Cancels 40</p>
<p style="text-align: center;">APPLICATION OF RATES</p> <p>Rates include the services of the vehicle and driver only. For charges for helpers see Item No. 60</p> <p>Charges shall be based upon the capacity of equipment ordered, except that if a carrier is unable to furnish the capacity ordered and substitutes larger equipment, charges shall be for the capacity of the equipment ordered or for equipment of capacity corresponding to the barrels of property transported, whichever is the greater.</p> <p>When the transportation performed extends between two territories, the higher rated territory in or through which any service is performed shall determine the applicable hourly rate.</p>	<p style="text-align: center;">50</p>
<p>* Change) # Addition)</p>	<p>Decision No. 55769</p>
<p>EFFECTIVE JUNE 20, 1958</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p> <p>Correction No. 1</p>	