

Decision No. 57822

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)
into 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

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariff No. 7 contains minimum rates and rules governing the transportation of rock, sand, gravel, asphaltic concrete and related commodities in dump truck equipment between points in California. Item No. 47 thereof provides that rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges are stated.

In Decision No. 57596 dated November 10, 1958, in Case No. 6077, the Commission stated as follows:

"Item 47-B of the tariff requires that 'Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.' It might be argued that, inasmuch as Tariff No. 7 provides for two units of measurement, either may be used by a carrier without violating this item. However, it appears that the intent with which the item was adopted was that carriers should not assess charges based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated for the type of shipments being rated. It is the Commission's conclusion that such is the proper interpretation of this item."

Item No. 47 of Minimum Rate Tariff No. 7 will be clarified in line with the foregoing conclusion.

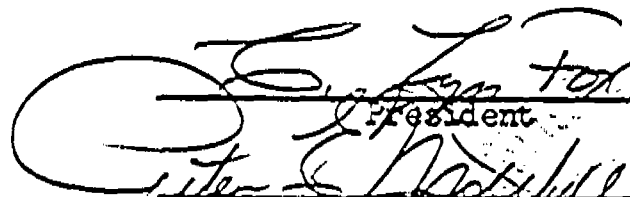
Therefore, good cause appearing,

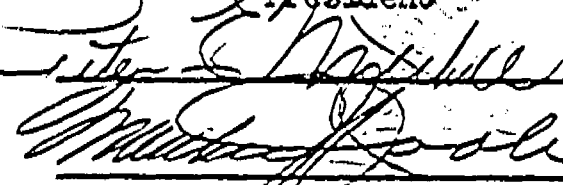
IT IS ORDERED that Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566, as amended) is hereby further amended by incorporating therein, to become effective February 16, 1959, Seventh Revised Page 4-A, which revised page is attached hereto and by this reference made a part hereof.

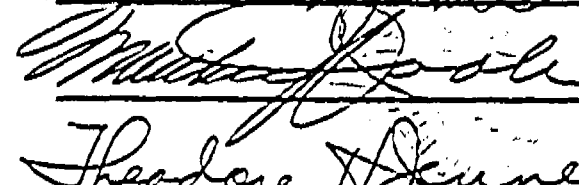
In all other respects said Decision No. 32566, as amended, shall remain in full force and effect.

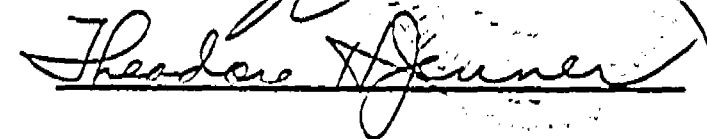
This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 6th day of January, 1959.



President






Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
	<p>(1) COLLECTION OF CHARGES</p> <p>(a) Except as otherwise provided in this item, transportation and accessorial charges shall be collected by the carriers prior to relinquishing possession of property entrusted to them for transportation; said charges shall be collected in cash or in the form of valid checks, drafts or money orders (For exception concerning payments of overlying carriers to underlying carriers see Item No. 94).</p> <p>(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called debtors, for a period not to exceed 20 days, excluding Sundays and legal holidays other than Saturday half-holidays, following the last day of the calendar month in which the transportation was performed.</p> <p>(c) Where the carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors within 5 days after the last calendar day of the month in which transportation was performed.</p> <p>(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p>

45-C
Cancels
45-B

UNITS OF MEASUREMENT IN QUOTATION OF RATES AND CHARGES

*47-C Rates or accessorial charges shall not be quoted or
Can- assessed by carriers based upon a unit of measurement dif-
cels ferent from that in which the minimum rates and charges in
47-B this tariff are stated for the type of shipment being rated.

(1) Will not apply to the transportation of property for
the United States, state, county or municipal govern-
ments.

*Change, Decision No. 57822

EFFECTIVE FEBRUARY 16, 1959

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 705