

ORIGINAL

Decision No. 59133

## 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 petroleum  
and petroleum products in bulk  
(commodities for which rates are  
provided in Minimum Rate Tariff  
No. 6.)

Case No. 5436  
Petition for  
Modification No. 25

In the Matter of the Application  
of WESTERN MOTOR TARIFF BUREAU, INC.,  
for and on behalf of highway com-  
mon carriers and petroleum irregu-  
lar route carriers, parties to  
Western Motor Tariff Bureau, Inc.,  
Local Freight Tariff No. 3-D, Cal.  
P.U.C. No. 25 (Elmer Ahl, Agent,  
Series), and Local Freight Tariff  
No. 30A, Cal. P.U.C. No. 26 (Elmer  
Ahl, Agent, Series), for authority  
to increase minimum charge provi-  
sions.

Application No. 41266

Arlo D. Poe, J. C. Kaspar and James Quintrall, for Cali-  
fornia Trucking Associations, Inc., Petitioner in  
Case No. 5436.

W. J. Knoell, Arlo D. Poe, J. C. Kaspar and James  
Quintrall, for Western Motor Tariff Bureau, Inc.,  
Applicant in Application No. 41266.

Roland B. Ernst, for Oilfields Trucking Co.; W. L. Lykke,  
for Ashbury Transportation Co.; W. T. Cannon, for  
Pacific Intermountain Express Co.; and Jerry Lamb, for  
Consolidated Freightways, Inc., Respondents and Inter-  
ested Parties.

H. M. Long, for General Petroleum Corp.; A. E. Patton by  
G. L. Burke, for Richfield Oil Corp.; and Lloyd W.  
Jones, for V. B. Morgan Co., Interested Parties.

A. R. Day and Leonard Diamond, for the Commission staff.

O P I N I O N

By Petition No. 25 in Case No. 5436 the California Truck-  
ing Associations, Inc., seeks certain changes in the provisions in  
Minimum Rate Tariff No. 6. This tariff names minimum rates, rules  
and regulations for the transportation of petroleum and petroleum

products in bulk in tank vehicles by for-hire highway carriers. Basically, the proposed changes involve extending application of a volume-tender rate to a new Oakland-Bay Area territory, and establishment of commodity rates on asphalts and road oils to specified destinations in the San Diego area.

By Application No. 41266 the Western Motor Tariff Bureau, Inc., the tariff publishing agent for the principal highway common carriers and irregular route common carriers engaged in the transportation of bulk petroleum and petroleum products within California, seeks authority to make increases in the minimum charge provisions named in its Local Freight Tariff No. 3-D, Cal. P.U.C. No. 25 (Elmer Ahl, Agent, Series), and in its Local Freight Tariff No. 30A, Cal. P.U.C. No. 26 (Elmer Ahl, Agent, Series).

Public hearing on the petition and on the application was held on August 18, 1959, at Los Angeles, before Examiner William E. Turpen. Evidence on both matters was presented by representatives of the California Trucking Associations, Inc. Members of the Commission staff assisted in developing the record.

Item No. 250 of Minimum Rate Tariff No. 6 provides a rate of \$143 per unit of carrier's equipment for a period of 24 hours for the delivery of 25,000 gallons of automotive gasoline within a defined Los Angeles metropolitan area. This special rate was established to enable common carriers to participate in the transportation of gasoline to service stations, a movement which prior to the establishment of this special rate was predominantly handled by proprietary facilities. Petitioner proposes that the provisions of Item No. 250 be made equally applicable to a marketing territory

based on Oakland.<sup>1</sup> A witness for petitioner stated that the costs and conditions in the Oakland area are almost identical with those in the Los Angeles area and that therefore the present tariff provisions would be reasonable for application in the Oakland territory. Petitioner also requests that, in connection with this item, when streets are named as boundaries both sides of the street be considered as within the bounded territory. The witness said that this change would recognize the prevalent practice of constructing gasoline service stations at competitive locations directly across the street from each other.

A rate expert of the Commission staff offered in evidence an alternative boundary description for the proposed Oakland-Bay Area Tank Truck Territory and revised description for the present Los Angeles-Orange County Tank Truck Territory. The witness stated that the staff proposal for the Oakland territory uses definite lines in many places where petitioner uses imaginary lines and thus provides a more accurate description. In regard to the Los Angeles area, he said that recent annexations to several cities make a revision of the description necessary. Petitioner had no objection to substituting the staff's proposed descriptions for those named in the petition.

The other proposal of petitioner is to include in the minimum rate tariff specific commodity rates for the transportation of asphalts and road oils from Los Angeles origins to specified destinations in the San Diego area. The proposed rates are subject

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<sup>1</sup> The proposed Oakland-Bay Area Tank Truck Territory would include territory on the east and north sides of San Francisco Bay, roughly bounded by lines drawn from the San Mateo bridge to Sonoma, to Vacaville, to Antioch, to Dublin, and back to the San Mateo bridge.

to a minimum weight of 100,000 pounds. A witness for petitioner introduced into evidence a cost study he had made of this transportation. He explained that the movements would be from refineries in the Los Angeles area to "hot plants" in the San Diego area. Although the proposed rates do not provide much of a margin above the costs shown in the study, the witness said that establishment of the proposed rates is expected to divert considerable traffic from proprietary operations, which will enable the carriers to observe economies and reduce their costs. It was developed on cross-examination that a minor change in the description of Otay is necessary.

It appears that petitioner's proposed changes in Minimum Rate Tariff No. 6 are reasonable and justified. They will be adopted, except that the territorial descriptions proposed by the staff will be adopted in lieu of those proposed by petitioner, and a minor change will be made in the description of Otay.

The changes proposed by the Western Motor Tariff Bureau in Application No. 41266 are to revise the various minimum charge provisions of its tariffs to provide that the minimum charge on any shipment of the described petroleum products will be based on not less than 6,000 gallons, except for separate shipments handled together. A witness for applicant testified that increased equipment capacities and the costs of operating equipment with only a partial load make it necessary to increase the minimum gallonage requirements. The witness pointed out that lower minimums will still be available for other carriers, as no change is being proposed in the minimum charge provisions named in the minimum rate tariff. He further testified that a recent survey of over 3,000 loads of petroleum products showed the average load to be considerably more than 6,000 gallons.

Upon careful consideration of all of the facts and circumstances of record, the Commission is of the opinion and finds that petitioner's proposed amendments to Minimum Rate Tariff No. 6, modified as hereinbefore discussed, have been shown to be reasonable and justified, and that applicant's proposed increases in minimum charge provisions have been shown to be justified.

O R D E R

Based upon the evidence of record and upon the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED:

1. That Minimum Rate Tariff No. 6 (Appendix C of Decision No. 32608 as amended) be and it is hereby further amended by incorporating therein, to become effective November 13th, 1959, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix by this reference are made a part hereof.

2. That tariff publications authorized to be made by common carriers as a result of the order herein may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the tariff changes herein involved.

3. That common carriers, in establishing and maintaining the increased rates authorized hereinabove, be and they are authorized to depart from the provisions of Article XII, Section 21, of the Constitution, and Section 460 of the Public Utilities Code, to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; that such outstanding authorizations be and they are hereby modified only to the extent

necessary to comply with this order; and that schedules containing the commodity descriptions published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

4. That in all other respects said Decision No. 32608, as amended, shall remain in full force and effect.

5. That the carriers on whose behalf Application No. 41266 was filed by Western Motor Tariff Bureau, Inc., be and they are hereby authorized to establish and file, on not less than five days' notice to the Commission and to the public, the increases set forth in said application and in Exhibit No. 1 in the same proceeding.

6. That the authority granted in paragraph 5, above, shall expire unless exercised within ninety days after the effective date hereof.

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

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

W. L. Dettling President  
E. J. Fox  
Theodore J. Dennis  
Commissioners

Everett C. McKeage  
Commissioner ~~Matthew J. Dooley~~ being  
necessarily absent, did not participate  
in the disposition of this proceeding.

APPENDIX "A" TO DECISION NO. 59133

Revised Pages to Minimum Rate Tariff No. 6

Authorized by Said Decision

Sixteenth Revised Page 2

Original Page 7-A

Original Page 7-B

Eleventh Revised Page 8

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Second Revised Page 16-A

End of Appendix "A"

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#Addition, Decision No.

59133

EFFECTIVE NOVEMBER 13, 1959

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 198

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
#35	APPLICATION OF TARIFF - TERRITORIAL DESCRIPTIONS
	<p>The following territorial descriptions apply in connection with rates named in Item No. 250 only. (See Note 1.)</p> <p>1. LOS ANGELES-ORANGE COUNTY TANK TRUCK TERRITORY includes that area embraced by the following boundary: Beginning at the Pacific Ocean and the projected line of Sunset Boulevard, easterly and northerly along said projected line and Sunset Boulevard to State Highway No. 7, northerly along State Highway No. 7 to Foothill Boulevard, northeasterly and southeasterly along Foothill Boulevard and State Highway No. 118 to Crown Avenue; northerly along Crown Avenue to the boundary of the Angeles National Forest; easterly along the boundary of the Angeles National Forest to the city limits of the City of Sierra Madre; southerly along the city limits of the City of Sierra Madre and the City of Pasadena to Foothill Boulevard; easterly along Foothill Boulevard to Mountain Avenue; southerly along Mountain Avenue to Huntington Drive (U.S. Hwy. No. 66); easterly along Huntington Drive, Foothill Boulevard, Alhambra Avenue, and Foothill Boulevard (U.S. Hwy. No. 66) to the Los Angeles-San Bernardino County Line; southerly along the Los Angeles-San Bernardino County Line to the Temescal Freeway; northerly along the Temescal Freeway to Fifth Avenue; westerly and southwesterly along Fifth Avenue, Brea Canyon Road, Brea Boulevard and Pomona Avenue to the Pacific Electric Railway right of way; easterly along the Pacific Electric Railway right of way to Brea-Olinda Boulevard; westerly along Brea-Olinda Boulevard to Associated Road; southerly along Associated Road to Pioneer Avenue; easterly along Pioneer Avenue to Placentia Avenue; southerly along Placentia Avenue to Riverside Freeway (U.S. Hwy. No. 91); easterly along the Riverside Freeway (U.S. Hwy. No. 91) to Tustin Avenue (State Route No. 55); southerly along Tustin Avenue (State Route No. 55) to Newport Avenue (State Route No. 55); southwesterly along Newport Avenue (State Route No. 55) to MacArthur Boulevard; southerly along MacArthur Boulevard to Pacific Coast Highway (U.S. Hwy. Alt. No. 101); southeasterly along Pacific Coast Highway (U.S. Hwy. Alt. No. 101) to Cameo Shores Road; southwesterly along Cameo Shores Road and its prolongation to the shore line of the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to the point of beginning.</p> <p>(Continued)</p>
	# Addition, Decision No. 59133
EFFECTIVE NOVEMBER 13, 1959	
Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 199	

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
#35-1	TERRITORIAL DESCRIPTIONS (Concluded)
	<p>2. OAKLAND-BAY AREA TANK TRUCK TERRITORY includes that area embraced by the following boundary:</p>
	<p>Beginning at the point where the San Mateo Bridge intersects the eastern shore line of San Francisco Bay; northwesterly along the shore line of San Francisco Bay to San Pablo Bay; northeasterly along the shore line of San Pablo Bay to the Carquinez Bridge (U.S. Hwy. No. 40); northwesterly along an imaginary straight line to the intersection of Petaluma Creek with State Route No. 37; easterly and northerly along State Route No. 37 to Arnold Drive; northerly along Arnold Drive to Verano Avenue; easterly along Verano Avenue to the city limits of the City of Sonoma; easterly and southerly along the city limits of the City of Sonoma to East Napa Street; easterly along East Napa Street to Buena Vista Road; southerly along Buena Vista Road to Napa Road; easterly along Napa Road to State Route designated Nos. 12 and 37; easterly along State Route designated Nos. 12 and 37 to Old Sonoma Road; northerly along Old Sonoma Road to Buhman Avenue; northerly along Buhman Avenue to Browns Valley Road; northerly along Browns Valley Road to Redwood Road; easterly along Redwood Road and West Trancas Road to State Route No. 37; northeasterly along State Route No. 37 to Wooden Valley Road; southeasterly along Wooden Valley Road to Wooden Valley Cross Road; northeasterly along Wooden Valley Cross Road to Gordon Valley Road; southeasterly along Gordon Valley Road to Mankas Corner Road; southerly along Mankas Corner Road to Gregory Road; easterly along Gregory Road to U.S. Highway No. 40; northeasterly along U.S. Highway No. 40 to Alamo Creek; northerly along Alamo Creek to its intersection with the westerly prolongation of Burton Road; easterly along the prolongation of Burton Road and Burton Road to Gibson Canyon Road; southerly along Gibson Canyon Road to the city limits of the City of Vacaville; easterly and southerly along the city limits of the City of Vacaville to Water Street; easterly along Water Street to Meridian Road (near Elmira Station); southerly along Meridian Road and its prolongation to State Route No. 12; southeasterly along State Route No. 12 to Collinsville Road; southerly along Collinsville Road and its prolongation to the north bank of the Sacramento River; southerly across the Sacramento River, New York Slough and San Joaquin River to the southerly bank of the San Joaquin River; easterly along the south bank of the San Joaquin River to Antioch Bridge (State Route No. 24); southerly and westerly along State Route No. 24 to the city limits of the City of Antioch; southerly, westerly and northerly along the city limits of the City of Antioch to State Route No. 24; westerly along State Route No. 24 to Somersville Road; southwest-erly along Somersville Road to Buchanan Road (Tank Farm Road); westerly along Buchanan Road to Kirker Pass Road;</p>

southwesterly along Kirker Pass Road to Clayton Road; northwesterly along Clayton Road to Treat Lane (Hart Road); southwesterly along Treat Lane (Hart Road) to Oak Grove Road (Mt. Diablo Blvd.); south-easterly along Oak Grove Road (Mt. Diablo Blvd.), North Gate Road, and unnumbered highway through Mt. Diablo State Park to Stone Valley Road; southerly along Stone Valley Road and Dougherty Road to Dublin Boulevard; easterly along Dublin Boulevard to U.S. Highway No. 50; westerly along U.S. Highway No. 50 to "A" Street, near Castro Valley; southwesterly along "A" Street to "B" Street; southwesterly along "B" Street to Foothill Boulevard (State Route No. 9); southerly along Foothill Boulevard and Castro Street (State Route No. 9) to Tennyson Road; westerly along Tennyson Road to Mt. Eden-Alvarado Road (Hesperian Blvd.); northerly along Mt. Eden-Alvarado Road (Hesperian Blvd.) to Eden Landing Road; westerly along Eden Landing Road to Bay Bridge Boulevard; westerly along Bay Bridge Boulevard and San Mateo Bridge to the point of beginning.

NOTE 1. -

(A) Where railway lines, rights of way, and water courses are used to define boundaries, the center of such railway lines, rights of way and water courses will constitute the boundary lines.

(B) Where streets are used to define boundaries, such boundaries shall include both sides of the streets.

The term "streets" as used above will be synonymous with "avenue", "boulevard", "drive", "lane", "terrace", "road", or other designation thereof.

Where the term "shore line", "ocean", or "bay" is employed as a boundary line, such boundary line shall be construed to embrace any pier or wharf extending into the adjacent body of water.

# Addition, Decision No. 59133

EFFECTIVE NOVEMBER 13, 1959

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San Francisco, California.  
Correction No. 200

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
	APPLICATION OF TARIFF - TERRITORIAL GROUPS
	<p>Rates from, to or between all points in the groups described in Items Nos. 41 to 45, inclusive, but not between points in the same group, shall be the rates in Section 2 of this tariff applicable from, to or between the mileage basing points designated in connection with the groups. (Subject to exception provided in Notes 1 and 2 of Item No. 46.) (See Item No. 60.)</p> <p>*Where streets, railway lines, rights of way, and water courses are used in Items Nos. 41 to 45, inclusive, ** to define boundaries, the center line of such streets, railway lines, rights of way and water courses will constitute the boundary lines.</p> <p>The term "street" as used above will be synonymous with "avenue", "boulevard", "drive", "lane", "terrace", "road", or other designation thereof.</p> <p>Where the term "shoreline" or "ocean" is employed as a boundary line, such boundary line shall be construed to embrace any pier or wharf extending into the adjacent body of water.</p>
41	<p>GROUP NO. 1 - MILEAGE BASING POINT - SAN FRANCISCO</p> <p>Beginning at the Pacific Ocean and the southern city limits of Daly City, thence northerly, easterly and southerly along the shoreline of the Pacific Ocean and San Francisco Bay, around the city of San Francisco, to the southern city limits of South San Francisco, thence westerly along the southern city limits of South San Francisco to U.S. Highway 101 Alternate, southerly along U.S. Highway 101 Alternate to the southern city limit and its prolongation of the city of San Bruno, westerly along the southern city limits of San Bruno to the San Bruno - Crystal Springs Road, westerly along the San Bruno - Crystal Springs Road to Junipero Serra Boulevard, northerly on Junipero Serra Boulevard to the southern city limits of Daly City, westerly along the southern city limits of Daly City to point of beginning.</p>
<p>* Change ) ** Reference to Item No. 250 eliminated) Decision No. 59133</p>	
EFFECTIVE November 13, 1959	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 201</p>	

Item No.	SECTION NO. 2 - RATES (Continued) In Cents per 100 Pounds		
	Rates in this Item apply only to Shipments (A) tendered on one bill of lading, which are picked up at a single point of origin, and delivered to a single point of destination, at carrier's convenience, within a single 24-hour period; and (B) having point of destination at permanent storage facilities within the described areas; and (C) subject to the provision that, when through no fault of the carrier, delivery of the total quantity tendered is not made within the period specified in paragraph (A), mileage rates under Item No. 200 will apply.		
	ASPHALT, NATURAL, BY-PRODUCT OR PETROLEUM		
	FROM	TO (See Note 1)	RATES (Minimum Weight, 100,000 Pounds)
#b230	GROUP 6 (as described in Item No. 43)	Oceanside	16
		Escondido	19
		Miramar	19
		San Diego	19
		Mission Gorge	21
		Otay	21
	NOTE 1. -		
	<u>OCEANSIDE</u>	- Includes all points and places located within the city limits of Oceanside.	
	<u>ESCONDIDO</u>	- Includes all points and places located within the city limits of Escondido.	
	<u>MIRAMAR</u>	- Includes all points and places located within a 2 mile radius of the intersection of Miramar Road and U.S. Highway 395.	
	<u>SAN DIEGO</u>	- Includes: 1. That portion of the City of San Diego located on or north of U.S. Highway 80 and its prolongation to the Pacific Ocean, but does not include that area located both east of Murphy Canyon Road and north of U.S. Highway 80. 2. Points located in San Diego County lying north of U.S. Highway 80 and which are surrounded entirely by either the City of San Diego and/or Murphy Canyon Road.	
	<u>MISSION GORGE</u>	- Includes all points and places located within a 2 mile radius of the junction of Mission Gorge Road and Bell Road.	
	<u>OTAY</u>	- Includes all points and places located within a 2 mile radius of Main Street and Beyer Way in Otay.	
# Addition ) # Reduction ) Decision No. 58133			
EFFECTIVE NOVEMBER 13, 1959			
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Item  
No.

SECTION NO. 2-RATES (Continued)

VEHICLE UNIT RATES FOR TRANSPORTATION OF  
AUTOMOTIVE GASOLINE

The rates in this item apply for the transportation of automotive gasoline between points within the Los Angeles-Orange County Tank Truck Territory, #6 and the Oakland-Bay Area Tank Truck Territory, as described in Items 35 and 35-1, when performed subject to and in accordance with the provisions of Notes 1, 2, 3, 4, 5 and 6.

The provisions of this item apply only when, prior to the transportation of the property, the shipper has requested in writing that the transportation be performed under the provisions of this item, and when the rate per unit of carrier's equipment per period of 24 consecutive hours is prepaid. (See Item No. 260).

Rate per unit of carrier's equipment per period  
of 24 consecutive hours ..... \$143.00

NOTE 1.-The rate herein provided applies for the transportation of 25,000 gallons of automotive gasoline or less by one unit of carrier's equipment within a period of 24 consecutive hours. When more than 25,000 gallons of gasoline are tendered to, and are delivered by the carrier by one unit of equipment within said 24-hour period, an additional charge of \$.000848 per gallon shall apply to the quantity delivered in excess of 25,000 gallons. If, at the expiration of the 24-hour period, any portion of the quantity tendered during the period remains undelivered in the carrier's equipment, a charge of \$1.85 per one-quarter hour, or fraction thereof, shall apply for the time thereafter required to complete delivery of such portion. For the purposes of applying the provisions of this note time shall be computed from the time of arrival of carrier's equipment at first point of origin.

NOTE 2.-As used in this item "unit of carrier's equipment" means any tractor, tank motor truck, tank trailer or tank semi-trailer, or any combination of such highway vehicles operated together as a single unit. It also includes any of such vehicles used in the replacement of a unit of carrier's equipment, or a portion thereof, which has become inoperable while engaged in transportation under this item.

NOTE 3.-When transportation is performed under the provisions of this item, the following rules will not apply:

- Item 80 - Minimum Charge;
- Item 87 - Split Delivery;
- Item 100 - Pumping;
- Item 130 - Shipments Diverted, Returned or Stopped in Transit for Partial Loading or Unloading;
- Item 140 - Demurrage or Detention Charges;
- Item 150 - Issuance of Shipping Documents;
- Item 175 - Allowance for Delivery after Hours.

\*250-B  
Cancels  
250-A

NOTE 4.-The charge for collecting and remitting amounts collected on C.O.D. shipments transported under the provisions of this item shall be \$2.40 per collection.

\*\*#NOTE 5.-All required tolls, fares, special permits and weighmaster fees shall be in addition to the above-named rates and charges.

NOTE 6.-A shipping document shall be issued by the carrier to the shipper for each engagement for transportation. The form of shipping document in Item No. 330 will be suitable and proper.

A copy of each shipping document shall be retained and preserved by the issuing carrier for a period of not less than three years from the date of issuance.

# Addition )  
\* Change ) Decision No. 59133  
o Reduction)  
\*\* Provisions of former Note 5 transferred to Item No. 35.

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San Francisco, California.

Correction No. 203