

ORIGINAL

Decision No. 62425

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. 45, as amended)

SUPPLEMENTAL OPINION AND ORDER

Minimum rates and rules for the transportation of petroleum and petroleum products in bulk in highway tank vehicles are contained in Minimum Rate Tariff No. 6. By petition filed July 7, 1961, as amended July 28, 1961, California Trucking Associations, Inc., seeks modification of certain of the rates and rules. Petitioner alleges that such revisions are desired, and will be in the interest of both carriers and shippers.

The modifications sought, stated briefly, are as follows:

1. Establishment, on a permanent basis, of the statewide volume tender provisions set forth in Minimum Rate Tariff No. 6.¹
2. Broadening of the current volume tender provisions to include jet fuel.
3. Establishment of an hourly charge when pumping service is provided in connection with volume tender shipments.
4. Establishment of an interplant rate of 5 cents per 100 pounds for the transportation of base stock asphalt, in bulk, in tank truck equipment from El Segundo to Inglewood.
5. Establishment of an interplant rate of 4-3/4 cents per 100 pounds for the transportation of feed stock carbon black oil, in bulk, in tank truck equipment from Mopeco to Rogas.

¹ As now published in Item No. 280 of the tariff, the volume tender provisions are scheduled to expire September 25, 1961. They apply to the transportation of gasoline and petroleum fuel oil distillate, in bulk, in tank truck equipment.

6. Authorization to common carriers to depart from the long-and-short-haul provisions of the California Constitution and Public Utilities Code to the extent necessary to establish the sought modifications.

The current volume tender provisions were established on a temporary basis by Decision No. 61462, effective March 25, 1961, to afford for-hire carriers an opportunity to secure business being handled by proprietary facilities. Concerning a study made by petitioner's Director of Research of the estimated cost of providing volume tender service, the decision states:

"The study showed the costs to be just slightly less than the proposed rates and charges. The witness admitted that many of the factors he used in preparing his study were based on present proprietary operations or estimated due to lack of experience in this type of service by for-hire carriers. He stated, however, that he believes that if the proposal is adopted the carriers will be able to achieve the operating results indicated in his study. In view of the fact that the proposal is somewhat experimental in nature, the witness requested that, if adopted, the new item be made to expire after six months. This, he said, would give carriers an opportunity to determine if the expected results can be achieved and if any revisions in the item should be made."

The instant petition, as amended, does not contain any cost data relative to operations of carriers under the volume tender provisions in question. Neither does it contain any cost data with respect to the other modifications herein sought. In the circumstances, the petition, as amended, will be set for a public hearing for the receipt of evidence including cost data relative to the proposals herein. Meanwhile, the expiration date governing the volume tender provisions established by Decision No. 61462 should be extended to expire with March 25, 1962. Also, jet fuel will be included in the commodities description as requested, and the headings of tariff items relating thereto (Items Nos. 250 and 330) will be made to conform to the new commodity description. Subject to later review upon consideration of additional evidence which may be adduced at public hearing, it appears, and the Commission finds, that the amendments to Minimum Rate Tariff No. 6 resulting from the

order herein will result in just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved.

Good cause appearing,

IT IS ORDERED that:

(1) Minimum Rate Tariff no. 6 (Appendix "C" of Decision No. 32608, as amended) is hereby further amended by incorporating therein, to become effective September 25, 1961,

Seventeenth Revised Page 2
Fourth Revised Page 16-A
Seventh Revised Page 17
Fifth Revised Page 18
Third Revised Page 20
First Revised Page 20-A
First Revised Page 20-B

which revised pages are attached hereto and by this reference made a part hereof.

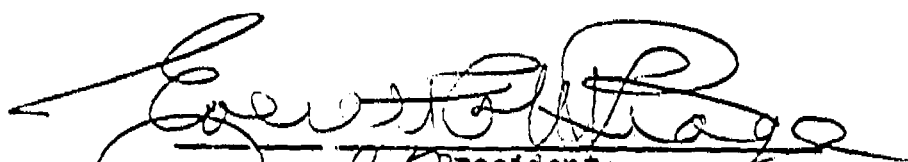
(2) Tariff publications authorized to be made by common carriers as a result of the order herein may be filed not earlier than the effective date hereof, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

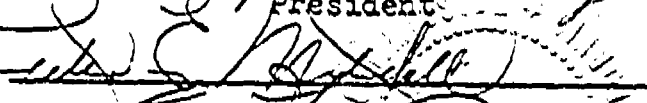
(3) Common carriers, in establishing the rates hereinabove authorized, be and they are hereby authorized to depart from the provisions of Article XII, Section 21, of the Constitution of the State of California and Section 460 of the Public Utilities Code to the extent necessary to adjust long-and-short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; schedules containing the charges published under this authority shall make reference to prior orders authorizing long-and-short-haul departures and to this order.


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

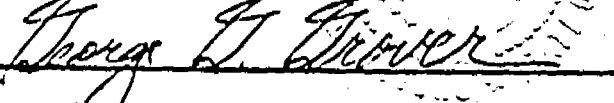
This order shall become effective twenty days after the date hereof.


Dated at San Francisco, California, this 15th day of August, 1961.



President








Commissioners

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* Change, Decision No. 62425	
EFFECTIVE SEPTEMBER 25, 1961	
Issued by the Public Utilities Commission of the State of California, San Francisco, California.	
Correction No. 217	

Item No.	SECTION NO. 2-RATES (Continued)
*250	<p style="text-align: center;">VEHICLE UNIT RATES FOR TRANSPORTATION OF *GASOLINE AND/OR PETROLEUM FUEL OIL DISTILLATE</p> <p>The rates in this item will apply for the transportation of Gasoline and/or Petroleum Fuel Oil Distillate between points within the Los Angeles-Orange County Tank Truck Territory, and the Oakland-Bay Area Tank Truck Territory, as described in Items Nos. 35 and 35-1, when performed subject to and in accordance with the provisions of Notes 1, 2, 3, 4, 5 and 6.</p> <p>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.)</p> <p style="text-align: right;">Rate per unit of carrier's equipment per period of 24 consecutive hours \$143.00</p> <p>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.</p> <p>NOTE 2.-As used in this item "unit of carrier's equipment" means any power unit, tank trailer or tank semi-trailer (other than pressurized) 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.</p> <p>NOTE 3.-When transportation is performed under the provisions of this item, the following rules will not apply:</p> <ul style="list-style-type: none"> 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.

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.

* Change, Decision No. **62425**

EFFECTIVE SEPTEMBER 25, 1961

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

Correction No. 218

Item No.	SECTION NO. 2 - RATES (Continued)
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VEHICLE UNIT VOLUME TENDER RATES

The rates in this item will apply for the transportation of Gasoline and/or Petroleum Fuel Oil Distillate #6 and/or Jet Fuel from any origin points located within 75 miles of first point of origin, to points of destination located within 150 miles of the first point of origin, when performed subject to, and in accordance with the provisions of Notes 1 through 9.

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 is prepaid. (For form of agreement, see Item No. 285)

RATES

(Vehicle Unit Rates)

(E)
*280

	Per 24 Consecu- tive Hours	Per 7 Consecu- tive Days	Per 30 Consecu- tive Days
The basic charge per equipment unit shall be....	\$20.00	\$130.00	\$550.00
Plus			
an additional charge per hour or fraction thereof of	(1) 4.25	(1) 4.25	(1) 4.25
Plus			
an additional charge per mile of20	.20	.20

(1) Subject to a minimum charge based on 20 hours for each day that a driver or drivers are assigned to operate the vehicle.

Note 1.-(a) Each engagement shall commence at time of arrival of carrier's equipment at point of origin and shall terminate at the expiration of the calendar period requested in advance by the shipper or when released by the shipper within the requested calendar period, provided that the engagement shall not be deemed to be terminated until carrier's equipment is returned or charges are paid for return of carrier's equipment to the point of origin of the shipment.

(b) Charges for time used in excess of the calendar period requested shall be computed as follows, (1) At the rate of \$5.25 per hour or fraction thereof plus 20 cents per mile until delivery of the product is completed, (2) At the rate of 37 cents per mile for return of equipment from the point of final delivery to the point of origin of the shipment. Said charge based on actual mileage shall apply whether or not carrier's equipment is physically returned to point of origin of the shipment.

Note 2.-Each unit of equipment shall be made available to the shipper for the full calendar period requested less only that time necessary for the fueling and servicing of the equipment.

Note 3.-As used in this item "unit of carrier's equipment" means any power unit, tank trailer or tank semi-trailer (other than pressurized), 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 the unit of carrier's equipment, or a portion thereof, which has become inoperable while engaged in transportation under this item.

Note 4.-Mileages applicable in connection with this item shall be actual mileages. Actual mileage shall not include mileage that equipment operates to and from carrier's terminal for any purpose.

Note 5.-When transportation is performed under the provisions of this item, the following rules will not apply:

Item No. 40 through 46 inclusive - Territorial Groups;
Item No. 80 - Minimum Charge;
Item No. 87 - Split Delivery;
Item No. 100 - Pumping
Item No. 130 - Shipments Diverted, Returned or Stopped in Transit for Partial Loading or Unloading;
Item No. 140 - Demurrage or Detention Charges;
Item No. 150 - Issuance of Shipping Documents;
Item No. 175 - Allowance for Delivery after Hours.

Note 6.-All required tolls, ferry, special permits and weighmaster fees shall be in addition to the above-named rates and charges.

Note 7.-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. 335 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.

Note 8.-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 9.-In the event that other volume tender provisions are available for the use of the same service contemplated, the shipper must elect in advance as to which type of service is to be utilized.

*(E) Expires with March 25, 1962.

*Change
#Addition } Decision No. 62425
oReduction }

EFFECTIVE SEPTEMBER 25, 1961

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 219

Item No.	SECTION NO. 2 - RATES (Concluded)
WRITTEN AGREEMENT	
<p>Prior to the transportation of Gasoline (other than Blended Gasoline as described in Item No. 30, Casinghead Gasoline or Natural Gasoline) and/or Petroleum Fuel Oil Distillate as described in Item No. 30 #and/or Jet Fuel, under the provisions of Item No. 280, the shipper must enter into a written agreement with the carrier. The agreement should contain the following information.</p> <ol style="list-style-type: none"> (1) Name and address of carrier. (2) Name and address of shipper. (3) Date of engagement. (4) Calendar period of agreement. (5) Rates and other charges agreed upon. (6) Size and type of equipment to be used. (7) The agreement shall be in substantially the following form. 	
(E) #285	<p style="text-align: right;">Date _____</p> <p>In accordance with the provisions of Item No. 280 of Minimum Rate Tariff No. 6, I hereby request to have Gasoline (other than Blended Gasoline as described in Item No. 30, Casinghead Gasoline or Natural Gasoline) and/or Petroleum Fuel Oil Distillate as described in Item No. 30 #and/or Jet Fuel transported by _____ <small>(Name of Carrier)</small></p> <p>under the rates, charges and provisions of Item No. 280 of said tariff, subject to the following terms:</p> <p>Date of engagement _____</p> <p>Calendar period of agreement _____</p> <p>Capacity of unit of equipment _____</p> <p>Identification of equipment _____</p> <p>Charge per unit of equipment for _____ <small>calendar period (to be prepaid)</small></p> <p>Additional charge per hour _____</p> <p>Additional charge per mile _____</p> <p>Excess charge per hour _____</p> <p>Excess charge per mile _____</p> <p>Charge for additional service _____</p> <p>Shipper _____ By _____ <small>(Name in full) (Name in full)</small></p> <p>Address _____</p> <p>Confirmed:</p> <p>Carrier _____ By _____ <small>(Name in full)</small></p> <p>Address _____</p>
<p>*(E) Expires with March 25, 1962. * Change) # Addition) Decision No. S2425</p>	
EFFECTIVE SEPTEMBER 25, 1961	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California.</p>	
Correction No. 220	

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Cancels
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MINIMUM RATE TARIFF NO. 6

*SECTION NO. 4

Forms of Documents to Which
Reference is Made in
Items Nos. 150, 250 and #280

Addition }
* Change } Decision No. 62425

EFFECTIVE SEPTEMBER 25, 1961

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San Francisco, California.

Correction No. 221

SECTION NO. 4 - FORMS OF DOCUMENTS

* Item No. 330

FREIGHT BILL FOR VEHICLE UNIT RATES FOR
TRANSPORTATION OF *GASOLINE AND/OR PETROLEUM FUEL OIL DISTILLATE

Name of Carrier _____ Bill No. _____
(Name of Carrier Must be
Same as Shown on Permit) Permit No. _____

Name of Shipper _____

Street Address _____ City _____

Date of Transportation _____

Unit of Equipment Used _____ Capacity _____
(Identify) (Gallons)

Amount Tendered (in gallons) _____

Amount Delivered Within 24-hour Period (in gallons) _____

Amount of Time Beyond 24-hour Period _____

(1) Time Started _____ (2) Time Completed _____

	<u>Rate</u>	<u>Charge</u>
Rate per Unit of Carrier's Equipment	_____	_____
No. of Additional Gallons Delivered _____	_____	_____
Amount of Time in Excess of 24 hours _____	_____	_____
Other Charges (3)	_____	_____
Total Charges		_____

- (1) Time equipment reaches first point of origin.
- (2) Time of completion of delivery at last point of destination.
- (3) Show each charge separately and what it represents.

Certification of Data:

Shipper _____ Carrier _____
By _____ By _____

*Change, Decision No. 62425

EFFECTIVE SEPTEMBER 25, 1961

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

Correction No. 222

SECTION NO. 4 - FORMS OF DOCUMENTS

(E) Item No. 335

FREIGHT BILL FOR VEHICLE UNIT RATES FOR TRANSPORTATION OF
 GASOLINE (Other than Blended Gasoline as described in
 Item No. 30, Casinghead Gasoline or Natural Gasoline)
 AND/OR PETROLEUM FUEL OIL DISTILLATE AS DESCRIBED IN
 ITEM NO. 30 #AND/OR JET FUEL

Name of Carrier _____ Bill No. _____
 (Name of Carrier Must Be
 Same as Shown on Permit) Permit No. _____

Name of Shipper _____

Street Address _____ City _____

Date of Agreement _____ Calendar Period of Engagement _____

Unit(s) of Equipment Used _____ Capacity _____
 (Identify) (Gallons)

Time Engagement Commenced (1) _____

Time Engagement Expired (2) _____

Total Time _____

Less Deductions (See Note 2, Item No. 280) _____

Net Time _____

Charges:	Rate	Charge
No. Units of Equipment Used _____	_____	_____
No. Hours _____	_____	_____
Excess Hours _____	_____	_____
Additional Charges (3) _____	_____	_____
Total Charges _____	_____	_____

- (1) Time equipment arrives at first point of origin.
- (2) Time equipment returns to first point of origin.
- (3) Show each charge separately and what it represents.

Certification of Data:

Shipper _____ Carrier _____
 By _____ By _____

* (E) Expires with March 25, 1962.

Change) Decision No. 62425
 # Addition)

EFFECTIVE SEPTEMBER 25, 1961

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 San Francisco, California.
 Correction No. 223