

Decision No. 63858**ORIGINAL**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION

Investigation on the Commission's)
 own motion for the purpose of)
 establishing rules to govern the)
 construction and filing of tariffs)
 issued by highway common carriers,)
 petroleum irregular route carriers,)
 freight forwarders and express)
 corporations.)

JUN 26 1962

SAN FRANCISCO OFFICE

Case No. 7387

ORDER INSTITUTING INVESTIGATION AND
ESTABLISHING RULES

The Commission's Transportation Division Rate Branch staff has prepared a proposed general order containing suggested rules to govern the construction and filing of tariffs issued by highway common carriers, petroleum irregular route carriers, freight forwarders and express corporations.¹

An initial draft of the staff proposal was distributed by the staff to carriers, tariff publishing agents and other interested parties on April 18, 1961, for study and comment. In consideration of comments received, a revised staff proposal was supplied to interested parties on April 5, 1962. The parties were then advised that in the absence of material objection or request for public hearing the staff proposed to recommend to the Commission that the general order be established by ex parte decision.

¹ The proposed rules would supersede those established in 1927 by General Order No. 80 (Decision No. 19029 in Case No. 2316), and would supersede the provisions of Tariff Circular No. 2 (established in 1912) with respect to carriers subject to the proposed new rules.

No objection or request for public hearing has been received. The staff has recommended to the Commission that the proposed general order be prescribed to govern the construction and filing of tariffs issued by highway common carriers, petroleum irregular route carriers, freight forwarders and express corporations, and has informed the Commission that the staff proposal is understood to be generally acceptable to all interested parties.

In the circumstances, it appears, and the Commission finds, that the general order as set forth hereinafter should be adopted. The order which follows will provide for its adoption. A public hearing is not necessary.

Good cause appearing,

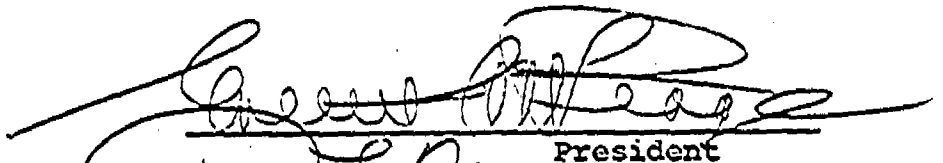
IT IS ORDERED that:

1. An investigation on the Commission's own motion is hereby instituted for the purpose of establishing rules governing the construction and filing of tariffs issued by highway common carriers, petroleum irregular route carriers, freight forwarders and express corporations.
2. General Order No. 80-A, which is attached hereto and by this reference made a part hereof, is hereby adopted to become effective September 1, 1962.
3. General Order No. 80 is hereby canceled and superseded by the general order adopted herein effective September 1, 1962.
4. The provisions of Tariff Circular No. 2 insofar as they apply to those carriers which are subject to the general order adopted herein are hereby superseded effective September 1, 1962.

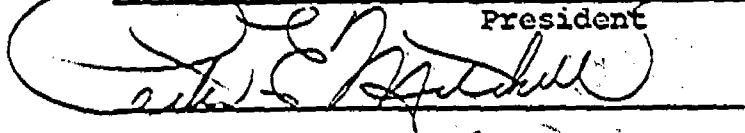
5. The Secretary of the Commission shall serve a copy of this order upon all highway common carriers, petroleum irregular route carriers, freight forwarders and express corporations.

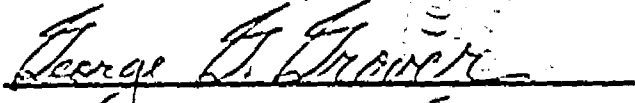
The effective date of Ordering Paragraph 1 shall be the date hereof; the effective date of Ordering Paragraphs 2, 3 and 4 shall be twenty days after the date hereof. ✓

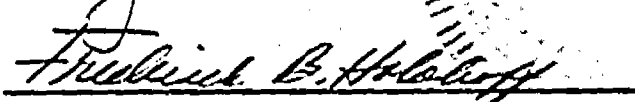
Dated at San Francisco, California, this 26th day of June, 1962.



President







Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

GENERAL ORDER NO. 80-A

(Cancels General Order No. 80)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES GOVERNING THE CONSTRUCTION AND FILING OF TARIFFS ISSUED BY HIGHWAY COMMON CARRIERS, PETROLEUM IRREGULAR ROUTE CARRIERS, FREIGHT FORWARDERS, AND EXPRESS CORPORATIONS (EXCEPT AIR EXPRESS COMPANIES AND AIR FREIGHT FORWARDERS).

(The Provisions Of This General Order Supersede The Provisions Of Tariff Circular No. 2 With Respect To Carriers Subject To This General Order.)

Adopted June 26th, 1962. Effective September 1, 1962.
Decision No. 63858; Case No. 7387

Rule A - EFFECTIVE DATE AND APPLICATION

- A.1 This General Order shall become effective on September 1, 1962.
- A.2 Original tariffs filed on or after the effective date of this General Order shall be constructed and filed in conformity with the rules herein established.
- A.3 Original tariffs filed prior to the effective date of this General Order need not be reissued by reason of the issuance of this General Order. However, supplements, amendments or revised pages filed on or after the effective date of this General Order shall be constructed and filed in conformity with the rules herein established.

Rule 1 - DEFINITIONS

- 1.1 "Carrier" means a highway common carrier, a petroleum irregular route carrier, a freight forwarder

Rule 1 (Concluded)

or an express corporation (other than an air express company or an air freight forwarder).

1.2 "Tariff" means an original publication containing rates, operating rights, routes, distances, classifications, etc., including supplements, amendments or revised pages thereto, or reissues thereof.

Rule 2 - REFERENCE TO CONSTITUTION AND CODE PROVISIONS AND TO RATE CHANGE PROCEDURES

2.1 The requirements of this General Order are in addition to and supplementary to the requirements concerning the preparation, construction and filing of rate schedules and tariffs set forth in the Constitution of the State of California and the Public Utilities Code. For convenience, reference to some of the principal pertinent provisions are cited below:

(a) Constitution (Article XII)

Subject

Section 19	Free or reduced rate transportation.
Section 20	Rate increases.
Section 21	Rate discrimination, long-and-short-haul rates.
Section 22	Tariffs must be observed without deviation.

(b) Public Utilities Code

Subject

Section 454	Rate increases.
Section 455	Suspension and investigation of rates.

Rule 2 (Continued)

Public Utilities Code

Subject

Section 460	"Long-and-short-haul" rates and "aggregate of intermediate" rates.
Section 486	Posting and filing of tariffs.
Section 487	Contents of tariffs.
Section 488	Form of tariffs and assistance to the public.
Section 490	Form of tariffs can be prescribed by Commission.
Section 491	Minimum notice for change; symbols.
Section 492	Joint-rate tariffs.
Section 493	Tariffs must be filed before commencing service.
Section 494	Tariffs must be strictly observed.
Section 495	Interstate tariffs must be filed.
Section 530	Free or reduced-rate transportation.
Section 532	Assessment of tariff rates and prohibition against rebates or remissions.

2.2 The following rules and general orders of the Commission are applicable to the filing of applications and requests for rate and tariff changes with this Commission:

Rule 2 (Concluded)

Rules of Procedure
(Decision No. 47081, as
amended, in Case No. 4924)

Rules of practice and
procedure applicable
to formal proceedings
before the Commission.

General Order No. 109

Regulations governing
the filing and handling
of requests for tariff
changes under the
Special Tariff Docket.

Rule 3 - FILING

3.1 Filing - Tariffs shall be filed with the Commission
in triplicate, in one package, and should be delivered
or addressed to:

Public Utilities Commission of the State of
California
State Office Building
San Francisco 2, California

If a receipt is desired, a letter of transmittal
identifying the tariff documents enclosed, shall be
sent in duplicate, one copy of which will be stamped
and returned as a receipt.

Rule 4 - AUTHORITY AND RESPONSIBILITY

4.1 Authority - Tariffs filed pursuant to authority
granted by the Commission shall refer to such
authority in connection with the item or tariff
supplement which incorporates the change or amend-
ment resulting from such authority.

4.2 Responsibility - It shall be the responsibility of
the carrier to maintain tariffs at all times in a
current condition as to subject matter.

Rule 5 - FORM AND CONTENT

5.1 Form - Tariffs shall be filed in book (pamphlet) form or in loose-leaf form. Tariffs shall be plainly printed, mimeographed, typewritten or reproduced by other durable process on paper of good quality and shall be clear and legible.

5.2 Permissive Alternative - As a permissive alternative to Rules 5.1, 5.3, 5.5(b), (c) and (d), 5.6(b), (c) and (d), 5.7(a), (b), (c), (d) and (e), 5.8, 6.1, 6.2, 6.3 and 6.4, provided the California statutes and the decisions and orders of this Commission are complied with, tariffs may be prepared in conformity with the regulations of the Interstate Commerce Commission governing the construction of motor common carrier freight tariffs (I.C.C. Tariff Circular MF No. 3, as amended or as may be superseded).

5.3 Size - Tariffs shall be 8 by 11 inches in size, subject to the following exception:

Exception 1: If the tariff is filed also with the Interstate Commerce Commission and the Interstate Commerce Commission permits a size different from that specified herein, such different size will be acceptable for filing with this Commission.

Rule 5 (Continued)

5.4 Cal.P.U.C. Number - Each carrier shall file tariffs under its own consecutive numbers beginning with Cal.P.U.C. No. 1. An agent shall file under his own series of Cal.P.U.C. numbers beginning with Cal.P.U.C. No. 1. Separate tariffs shall bear separate Cal.P.U.C. numbers. The assigned Cal.P.U.C. number in the series of the carrier, bureau or agent initially issuing the tariff shall be retained throughout the life of the tariff.

5.5 Title Page - The title page of each tariff shall show:

- (a) The Cal.P.U.C. number of the tariff in either the upper left-hand corner or upper right-hand corner, and immediately thereunder the Cal.P.U.C. number of any tariffs canceled thereby.
- (b) The name of the issuing carrier, bureau or agent, and the name and address of the issuing officer or agent.
- (c) A statement indicating the kind of tariff, i.e., whether it is a tariff of rates, classifications, distances, scope of operations, etc.
- (d) The date on which the tariff will become effective, in the lower right-hand corner.

5.6 Loose-leaf Tariffs - Each page of a loose-leaf tariff shall show:

- (a) The Cal.P.U.C. number of the tariff in either the upper left-hand corner or the upper right-hand corner.

- (b) The name of the issuing carrier, bureau or agent; and the name and address of the issuing officer or agent.
- (c) The page number e.g., "Original Page 1," "Original Page 2," etc.
- (d) The date on which the page will become effective (or appropriate reference thereto), in the lower right-hand corner.

5.7 Contents of Tariff - Every tariff shall contain:

- (a) A Table of Contents.
- (b) The name of each participating carrier.
- (c) Reference to other publications which govern the application of the tariff such as: classification, exception sheet, distance table, scope of operations tariff, etc.
- (d) An alphabetically arranged index of all articles and generic groupings of articles upon which commodity rates are named or ratings are provided, with reference to the items or pages in which such rates, ratings or generic groupings will be found.
- (e) Tariffs containing rates or distances shall also contain (or be governed by a tariff containing) an alphabetically arranged and complete index of the named points, groups, areas or territories from and to which the rates apply, together with such index numbers or other guide as will permit

Rule 5 (Continued)

ready location in the tariff of the rates or distances from and to such named points, groups, areas or territories.

- (f) Tariffs naming rates or distances shall contain (or be governed by a tariff containing) a complete description of each carrier's prescriptive and certificated operative rights.
- (g) When the determination or application of rates or charges is dependent upon the routes over which the rates or charges apply, the tariffs shall contain a clear description of the route or routes via which the rates apply.
- (h) Each tariff containing class or commodity rates shall also contain a rule as follows:

"Whenever a class rate and a commodity rate are named between specified points, the lower of such rates is the lawful rate unless some combination of class rates or of commodity rates or of class and commodity rates makes a lower through rate."

In case some combination of rates makes a lower rate than the published through rate, such published through rate must be immediately adjusted.

5.8 Amendments -

- (a) Book (pamphlet) tariffs shall be amended by filing supplements constructed generally in the same manner and arranged in the same order as

Rule 5 (Continued)

the tariff being amended, and referring to the page, item or index of the tariff or previous supplement which it amends.

- (b) Loose-leaf tariffs shall be amended by filing new pages on which changes are made as consecutively numbered revisions of the previous pages, e.g., First Revised Page 10 Cancels Original Page 10. A loose-leaf tariff may be canceled by supplement.
- (c) Uniform symbols shall be used to indicate changes as follows:
- (A) or \diamond to indicate increases
 - (R) or \ominus to indicate reductions
 - (C) or Δ to indicate a change resulting in neither increase nor reduction
- (d) The following symbols, if used, shall be used only for the purposes indicated:
- * or \star to indicate new material added to the tariff
 - + to indicate "Applicable to intrastate traffic only"
 - @ to indicate "Applicable to interstate traffic only"
 - to indicate reissued matter
 - ⊖ to indicate no change, as provided in Rule 5.8(e)
- (e) When changes of the same character are made in all or substantially all rates in a tariff, supplement or on a loose-leaf page, that fact and the nature of the change may be indicated on the title page of the tariff or supplement or at the top of the

Rule 5 (Concluded)

loose-leaf page. In this event, the symbol "Ⓢ" shall be used to indicate a rate in which no change has been made. Any other change not indicated by the general statement referred to above shall be appropriately designated.

Rule 6 - ADOPTION OF TARIFFS

6.1 Adoption Notice - When operative rights are transferred from the operating control of one company to that of another, the succeeding carrier shall issue an adoption notice in the form of a one-page document, 8 by 11 inches in size, in which the successor company accepts and establishes as its own all the affected tariffs and other instruments issued by or on behalf of the predecessor company in accordance with the Commission order authorizing the transfer of the operative rights. Three copies of the adoption notice shall be filed with the Commission.

6.2 Copies to Agents and Carriers - Concurrently with the filing of an adoption notice with the Commission, a copy of the adoption notice shall be furnished to each agent and each carrier publishing tariffs containing rates or other provisions in which the predecessor carrier participates.

Rule 6 (Concluded)

6.3 Supplements - In addition to the adoption notice required by Rule 6.1, the successor carrier shall supplement or reissue each tariff issued by the predecessor company, indicating that the tariff has been adopted by the successor company, such tariff filing to be made in accordance with the Commission order authorizing the transfer.

6.4 Change of Name - When a carrier changes its legal or fictitious name, without transfer of control from one company to another, it shall immediately amend tariffs issued by it to show the new name of the company. The carrier shall also immediately inform in writing all agents or other carriers issuing tariffs in which it participates of the change in name, and such agents or carriers shall promptly amend such tariffs to show the change in name. The tariff amendments shall show the new name of the carrier and its former name; for example "ABC Transportation Co. (formerly XYZ Trucking Co.)", and shall show that they are filed under authority of this rule.

Rule 7 - POWERS OF ATTORNEY AND CONCURRENCES

7.1 Issuance

(a) Each carrier shall issue a power of attorney to each agent publishing an agency tariff in which the carrier participates.

Rule 7 (Concluded)

(b) Each carrier shall issue a concurrence to each other carrier which publishes a tariff in which the former carrier participates.

7.2 Filing - Powers of attorney, concurrences, and revocations of powers of attorney and concurrences shall not be filed with the Commission.

7.3 Affidavit With Original Tariff - If the tariff is an original tariff issued by a tariff agent or by one carrier on behalf of other carriers, there shall be enclosed in the same package with the tariff an affidavit in substantially the form specified in Rule 7.7 or Rule 7.8.

7.4 Affidavit When Carriers Changed - If the tariff is a supplement, amendment or revised page which has the effect of changing the participating carriers in a tariff issued by a tariff agent or by one carrier on behalf of other carriers, there shall be enclosed in the same package with the tariff an affidavit in substantially the form specified in Rule 7.7 or Rule 7.8.

7.5 Rejection of Tariffs - Tariffs referred to in Rules 7.3 and 7.4 will be subject to rejection if tendered for filing without the affidavit required by said rules.

7.6 Revocation by Carrier - Powers of attorney and concurrences may be revoked by the carrier by furnishing to the tariff agent or tariff publishing carrier a revocation notice specifying the effective date of such revocation. The notice shall be sent by registered mail at least 60 days before the effective date of revocation.

Rule 7 (Continued)

7.7 Affidavit of Tariff Agent - The affidavit referred to in Rule 7.3 and Rule 7.4 shall be on paper 8 by 11 inches in size, and shall be in form substantially as follows:

AFFIDAVIT OF TARIFF AGENT

(Name of Tariff Agent)

(Post Office Address)

To Public Utilities Commission of the
State of California
State Office Building
San Francisco 2, California

This is to certify that the above-named agent has in his possession written powers of attorney by virtue of which each carrier named as a participant in the agency tariff which is tendered herewith for filing, has appointed said agent its true and lawful attorney and agent and has given and granted to said attorney and agent full power and authority in its name, place and stead, for it alone, and for it jointly with other carriers, to publish and file said tariff and subsequent supplements and amendments thereto, and to do and perform all and every act in connection therewith as fully to all intents and purposes as if the same were done and performed by each said carrier.

Description of Tariff

Cal.P.U.C. Number

I hereby certify under penalty of perjury that the foregoing is true and correct.

Signature _____
Title _____
Dated at _____ this _____
day of _____ 19____

Rule 7 (Concluded)

7.8 Affidavit of Issuing Carrier - The affidavit referred to in Rule 7.3 and Rule 7.4 shall be on paper 8 by 11 inches in size, and shall be in form substantially as follows:

AFFIDAVIT OF ISSUING CARRIER

(Name of Issuing Carrier)

(Post Office Address)

To Public Utilities Commission of the
State of California
State Office Building
San Francisco 2, California

This is to certify that the above-named carrier has in its possession a written concurrence by virtue of which each carrier named as a participant in the tariff which is tendered herewith for filing, assents to and concurs in the publication and filing on its behalf of said tariff, and subsequent supplements and amendments thereto, and makes itself a party thereto and bound thereby insofar as said tariff contains rates, charges, classifications, rules, regulations and other provisions applying to or from points on its lines and via its lines.

Description of Tariff

Cal.P.U.C. Number

I hereby certify under penalty of perjury that the foregoing is true and correct.

Signature _____
Title _____
Dated at _____ this _____
day of _____ 19____

Rule 8 - REVOCATION OF AGENCY BY TARIFF AGENT

- 8.1 Procedure - A carrier's participation in an agency tariff may be canceled by the tariff agent issuing such tariff without the request or consent of the carrier, provided the procedures specified in Rule 8 are followed precisely.
- 8.2 Prior Notice - Tariff publishing agents proposing to terminate their agency relationship with any carrier, and to cancel the carrier's participation in any agency tariff, shall give notice in writing to the carrier and to the Commission not less than 90 days before the proposed date of termination and cancellation. The Cancellation Notice shall be in the form provided in Rule 8.5
- 8.3 Tariff Filing - Unless the Cancellation Notice is rescinded as provided in Rule 8.4, the cancellation of the carrier's participation in the agency tariff shall be made effective on the precise effective date specified in the Cancellation Notice, by an appropriate tariff amendment filed with the Commission not less than 30 days prior to said effective date.
- 8.4 Rescission of Notice - If the tariff publishing agent desires to rescind the Cancellation Notice, the agent shall give notice in writing to the carrier and to the Commission not less than 30 days prior to the scheduled date of termination and cancellation of the agency relationship. The Rescission of Cancellation Notice shall be in the form provided in Rule 8.6.

Rule 8 (Continued)

8.5 Form of Cancellation Notice - The Cancellation Notice specified in Rule 8.2 shall be on paper 8 by 11 inches in size, and shall be in form substantially as follows:

CANCELLATION NOTICE

To _____
(Name of Carrier)

Date of Notice _____

You are hereby notified that the agency created by the Power of Attorney issued by you to the undersigned is terminated on the effective date shown below.

Your participation in tariff(s) issued by the undersigned, as identified below, will be canceled on the effective date shown.

You are cautioned that cancellation of your participation in such tariffs will leave you without rates on file with the California Public Utilities Commission. It is your responsibility to arrange for the filing with the California Public Utilities Commission of tariff schedules required by Section 486 of the California Public Utilities Code.

Name and Cal.P.U.C. Numbers of tariffs:

Effective Date of Termination of Agency and
Cancellation of Rates _____*

*The agent shall not insert a date less than 90 days after the date the Notice is received by the Commission.

By _____
(Tariff Agent)

Instructions: This Notice shall be furnished by the agent to the carrier by registered mail at least 90 days before the effective date of termination and cancellation. A true copy of this Notice shall be filed with the Public Utilities Commission of the State of California, 350 McAllister Street, San Francisco 2, California, at least 90 days before said effective date.

Rule 8 (Concluded)

8.6 Form of Rescission of Cancellation Notice - The Rescission of Cancellation Notice specified in Rule 8.4 shall be on paper 8 by 11 inches in size, and shall be in form substantially as follows:

RESCISSION OF CANCELLATION NOTICE

To _____
(Name of Carrier) (Date)

The Cancellation Notice issued to you by the undersigned on _____ to terminate the agency created by the Power of Attorney issued by you to the undersigned, is hereby rescinded.

Your participation in tariff(s) issued by the undersigned, as identified below, will not be canceled.

Name and Cal.P.U.C. Number of tariffs:

By _____
(Tariff Agent)

Instructions: This Rescission shall be furnished to the carrier by the Tariff Agent by registered mail at least 30 days before the effective date of the scheduled termination and cancellation stated in the "Cancellation Notice" which it rescinds. A true copy of this Rescission shall be filed with the Public Utilities Commission of the State of California, 350 McAllister Street, San Francisco 2, California, at least 30 days before said effective date.

This General Order issued by order made at San Francisco, California, this 26th day of June, 1962.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

By
R. J. Pajalich, Secretary