

Decision No. 66624

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 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

A report of the Commission's Transportation Division Rate Branch staff was sent to interested parties on June 14, 1963, for study and comment. The report recommended certain changes in Minimum Rate Tariff No. 7. The transmittal letter informed the parties that, in the absence of objection or request for public hearing, consideration may be given to the issuance of an ex parte order revising the tariff in accordance with the staff recommendations.

No objection to the staff recommendations has been received. Written comments have been received from the California Dump Truck Owners Association and California Trucking Association. Both associations endorse the staff proposal. The staff report is received in evidence as Ex Parte Exhibit No. G-1 in Case No. 5437; the written comments thereon are received in evidence collectively as Ex Parte Exhibit No. G-2.

The staff report recommends that (1) a provision be added to Section 4 of Minimum Rate Tariff No. 7 to make it clear that commodities moving in Southern Territory, listed only

in the hourly rate section of the tariff, shall be subject to rates provided in other Commission minimum rate tariffs when no written instructions have been given to the carrier to use hourly rates; and (2) an appropriate cross reference be made to other minimum rate tariffs governing the transportation of commodities in dump truck equipment.

From the exhibits of record it appears that the tariff revisions recommended by the staff are appropriate and desirable in the interest of tariff clarity.

Upon consideration of the evidence in this proceeding, the Commission finds that the tariff modifications proposed by the staff are reasonable. A public hearing is not necessary. Minimum Rate Tariff No. 7 will be amended accordingly by the order herein.

Good cause appearing,

IT IS ORDERED that:

1. Minimum Rate Tariff No. 7 (Appendix "A" of Decision No. 32566, as amended) is hereby further amended by incorporating therein, to become effective February 22, 1964, Tenth Revised Page 4 and Fourth Revised Page 39, which pages are attached hereto and by this reference made a part hereof.

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

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

Dated at San Francisco, California, this 14th day of January, 1964.

William W. Bernard
President
Robert E. Mitchell
Walter W. Rye
George T. Hoover
Fredrick B. Holboff
Commissioners

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
20	<p style="text-align: center;">APPLICATION OF TARIFF - CARRIERS</p> <p>Rates provided in this tariff are minimum rates, established pursuant to the Highway Carriers' Act, and the City Carriers' Act. They apply for transportation of property by radial highway common carriers and highway contract carriers, as defined in said Highway Carriers' Act, and by carriers as defined in said City Carriers' Act, in bulk in dump truck equipment.</p> <p>Except as otherwise provided in Items Nos. 45, 93 and 94 rates, rules and regulations named in this tariff shall not apply to transportation by underlying carriers (independent-contractor subhaulers) when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the underlying carriers are performing transportation service.</p>
625	<p style="text-align: center;">APPLICATION OF TARIFF - GENERAL</p> <p>Rates in this tariff do not apply to the transportation of property of the United States, or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>*For rates for the transportation of commodities in dump truck equipment, other than as provided in this tariff, see City Carriers' Tariff No. 1-A, Minimum Rate Tariff No. 1-B, 2, 5 or 9-A, as the case may be.</p>
30	<p style="text-align: center;">APPLICATION OF TARIFF - TERRITORIAL</p> <p>Rates in this tariff apply for transportation between all points within the State of California.</p>
35	<p style="text-align: center;">REFERENCES TO ITEMS AND OTHER TARIFFS</p> <p>Unless otherwise provided, references herein to item numbers in this or other tariffs include references to such numbers with letter suffix, and references to other tariffs include references to amendments and successive issues of such other tariffs.</p>

COMPUTATION OF DISTANCES

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Distances to be used in connection with distance rates named herein shall be the actual mileages traversed, including any detour to and from scales to obtain weight of shipment.

o Change } Decision No. 66624
* Addition }

EFFECTIVE FEBRUARY 22, 1964

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

Correction No. 981

SECTION NO. 4

HOURLY RATES

1. (Applies only in Southern Territory)

Ø(a) Rates in this Section will apply only when notice in writing is given to the carrier, before the transportation commences, of the shipper's intention to ship under such rates. When such notice is given, rates in Sections Nos. 2 and 3 will not apply.

*(b) In the event that a notice in writing is not given to the carrier, as set forth in paragraph (a) above, rates in Sections Nos. 2 and 3 shall apply, where applicable. If no rates are provided in Sections Nos. 2 and 3 for the commodities involved, the minimum rates shall be those set forth in City Carriers' Tariff No. 1-A, Minimum Rate Tariff No. 1-B, 2, 5 or 9-A, as the case may be.

2. (Applies only in Northern Territory)

ØRates in this Section will apply for all transportation for which rates in Section No. 3 are not applicable, except that when notice is given to the carrier, before the transportation commences, of the shipper's intention to ship under the rates in Section No. 2, the rates in this Section will not become applicable for the transportation for which the rates in Section No. 2 are applicable.

Ø Change) Decision No.
* Addition)

66624

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San Francisco, California.

Correction No. 982