

ORIGINAL

Decision No. 66971

FILED

PUBLIC UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MAR 17 1964

Investigation on the Commission's)
own motion for the purpose of)
establishing rules to govern the)
public inspection of tariff)
schedules of common carriers)
as defined in the Public)
Utilities Act.)

SAN FRANCISCO OFFICE

Case No. 7862
No. _____

ORDER INSTITUTING INVESTIGATION
AND ESTABLISHING RULES

The California Legislature during its 1963 session amended Sections 487 and 488 of the Public Utilities Code by removing the statutory requirement that tariff schedules of common carriers be readily accessible for inspection at every station or office of the carriers and substituting the requirement that the tariffs be maintained at such stations or offices and subject to such conditions as the Commission may prescribe.

Pursuant to the statutory amendments, the Commission's Transportation Division Rate Branch staff prepared proposed rules to govern the maintenance by common carriers of tariff schedules for public inspection. The rules in draft form were supplied to all common carriers and to numerous carrier associations, shipper trade associations, chambers of commerce, attorneys, traffic consultants, tariff publishing agents and others. The recipients were invited to offer comments and suggestions, and were informed that in the absence of objection or request for public hearing consideration might be given to the issuance of an ex parte order establishing the proposed rules.

Fifteen written comments were received. California Trucking Association, Traffic Managers Conference of California, Retail Furniture Association of California and a number of individual carriers and shippers supported the staff proposals without qualification and recommended that the rules be established by ex parte order.

The principal California railroads, Railway Express Agency and one individual suggested amendments to the proposed rules. One shipper, The Flintkote Company, flatly opposed the staff recommendations, stating that the discontinuance of posting tariffs at all carrier stations except the headquarters of such carrier would impose a hardship on the shipping public to determine freight costs at time of shipment.

Under the rules drafted and distributed by the staff, the carriers would be relieved from the burden of maintaining tariffs at all of their places of business. Instead, each carrier would be required to maintain for public use at its principal office in California a complete file of its California tariffs, and to make current tariffs available at any other California office or depot within ten days after receipt of a written request therefor. The address of the principal office would be printed in each tariff. The recommended rules would not preclude any carrier from maintaining tariffs at such additional facilities as it may deem appropriate.

The amendments suggested by the railroads and others are relatively minor. The most significant amendment would require posting of notices of the carrier's principal office address in all depots and terminals as a substitute for printing the address in each tariff.

The staff report as distributed to the parties with the draft of proposed rules is received in evidence as ex parte Exhibit No. 1. The written comments and suggestions filed in response to the staff report are received in evidence collectively as ex parte Exhibit No. 2.

According to the staff report, the requirements to post tariffs with the right of inspection at all of the carriers' offices or depots were established many years ago for the principal purpose of providing uniformity of charges for all persons. Meanwhile the

significance of distances has been greatly reduced, remoteness has been practically eliminated, competition among transportation facilities has developed at every locality and other economic factors have changed. The staff report concludes that the maintenance of all tariffs which a carrier publishes or in which it participates at all of its offices and depots is burdensome and expensive to the carrier and is not justified by any present public need.

The staff report and the responses thereto have been considered, together with the fact that only one objection to the staff proposal was received from among the many hundreds of interested parties who were informed thereof. The evidence is convincing that rules as proposed by the staff, with amendments as hereinafter provided, will be reasonable and consistent with the public interest.

In the circumstances, the Commission finds that the general order set forth hereinafter should be adopted. A public hearing is not necessary.

IT IS ORDERED that:

1. An investigation on the Commission's own motion is hereby instituted for the purpose of establishing rules governing the public inspection of tariff schedules of common carriers as defined in the Public Utilities Act.

2. General Order No. ¹²², which is attached hereto and by this reference made a part hereof, is hereby adopted to become effective July 1, 1964.

3. The Secretary of the Commission shall serve a copy of this order forthwith upon all common carriers as defined in the Public Utilities Act.

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

Dated at San Francisco, California, this 17th day of March, 1964.

William C. Beards
President

Everett C. McKeage

George H. Crover

Frederick B. Holloff

Commissioners

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

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES GOVERNING PUBLIC INSPECTION OF TARIFF SCHEDULES
OF COMMON CARRIERS AS DEFINED IN DIVISION 1 OF THE
PUBLIC UTILITIES CODE.

(The Provisions of this General Order Supersede the
Provisions of Rule 103 of Tariff Circular No. 2 and
Rule 22 of General Order No. 79)

Adopted March 17, 1964. Effective July 1, 1964.

Decision No. 66971, Case No. 7862.

- Rule 1 - Every common carrier shall maintain, open for public inspection, at its principal office in California, a copy of complete tariff schedules issued by it or by its agents, or in which it concurs, including those currently applicable, those filed with the Commission to become applicable at a future date, and canceled tariff schedules for a period not less than five years after the effective date of cancellation.
- Rule 2 - Every common carrier shall, upon demand in writing by any person and within 10 days of such written request, make available for public inspection at any office, depot, terminal or station in charge of an agent or other responsible employee, any requested currently effective tariff schedule issued by it or by its agents or in which it concurs.
- Rule 3 - Every common carrier shall give any information contained in tariff schedules issued by it or by its agents or in which it concurs, lend assistance to seekers for information therefrom, and accord inquirers opportunity to examine any of said tariff schedules as provided in Rules 1 and 2.
- Rule 4 - Every common carrier shall post in a prominent place in every office, depot, terminal or station where passengers or property are received for transportation a notice setting forth the complete address of the office

Rule 4 (Concluded)

where tariff schedules issued by it or by its agent or in which it concurs are maintained pursuant to Rule 1.

Rule 5 - This General Order shall not be construed to prohibit common carriers from maintaining tariffs, open for public inspection, at places other than required herein.

The effective date of this general order shall be the first day of July, 1964.

Issued by order made at San Francisco, California, this 17th day of March, 1964.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

By: Noel Coleman, Acting Secretary