

ORIGINAL

Decision No. 67666

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 ) (Petition for Modification  
to the transportation of cement and ) No. 19)  
related products (commodities for ) (Filed May 29, 1964)  
which rates are provided in )  
Minimum Rate Tariff No. 10). )

OPINION AND ORDER

Minimum Rate Tariff No. 10 names minimum rates, rules and regulations for the transportation of cement and related commodities by city and highway carriers between points in the State of California. By this petition California Trucking Association seeks to have added to the tariff a new item providing for the collection of charges. Petitioner requests that the proposed tariff change be expedited to meet the September 1, 1964, deadline<sup>1</sup> established for common carrier filings and all common carriers be directed to establish in their respective tariffs such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner alleges that the lack of such a tariff rule in Minimum Rate Tariff No. 10 to govern the collection of charges should be corrected as the continuance of this deficiency will create unreasonably preferential and discriminatory situations.<sup>2</sup>

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<sup>1</sup>The petition was amended by letter dated June 29, 1964, requesting that the effective date for the proposed tariff filing be changed from September 1, 1964, to October 1, 1964, to permit concurrent tariff publication with other common carrier filings required by Commission Resolution 13821, et al.

<sup>2</sup>Provisions for collection of charges are set forth in City Carriers' Tariff No. 1-A and Minimum Rate Tariffs Nos. 2, 3-A, 4-B, 5, 6-A, 7, 8, 9-A, 10, 11-A, 12, 13, 14-A and 15.

Petitioner avers that the inclusion in the tariff of the language presently contained in Item No. 250 of Minimum Rate Tariff No. 2 will correct the present omission and set forth reasonable tariff provisions for future application.

Petitioner asserts that the proposed filing has been made known to carriers of cement. It is further asserted that the proposed tariff amendment is generally desired by such parties and will be in their best interests. Ex parte action is requested. Copies of the verified petition were mailed to various cement shippers on or about May 28, 1964. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting rule will be a just, reasonable and nondiscriminatory rule to govern the transportation involved. A public hearing is not necessary. The petition will be granted.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 10 (Appendix "A" of Decision No. 44633, as amended) is further amended by incorporating therein, to become effective October 1, 1964, Sixth Revised Page 2 and Original Page 8-C, attached hereto and by this reference made a part hereof.

2. Tariff publications required to be made by common carriers as a result of the order herein may be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than October 1, 1964.

3. Common carriers, in establishing and maintaining the rule authorized hereinabove, are hereby authorized to depart from the provisions of 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; and schedules containing the rule published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

4. In all other respects, said Decision No. 44633, 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 Ad day of August, 1964.

Fredrick B. Hallock  
President

Robert D. [unclear]

George E. Trover

Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

ARRANGEMENT OF TARIFF	
This is a loose-leaf tariff arranged as follows:  Section No. 1 - Rules and Regulations Section No. 2 - Rates Section No. 3 - Form of Shipping Document	
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Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 63	

SECTION NO. 1 - RULES AND REGULATIONS(Continued)	Item No.
<p style="text-align: center;">COLLECTION OF CHARGES (1)</p> <p>(a) Except as otherwise provided in this rule, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</p> <p>(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called shippers, for a period of 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.</p> <p>(c) Where a carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the shippers within 7 calendar days from the first 12 o'clock midnight following delivery of the freight.</p> <p>(e) Shippers may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidence by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such shipper may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p> <p>(1) Will not apply to the transportation of property for the United States, state, county or municipal governments</p>	<p style="text-align: center;">*145</p>

\* Addition, Decision No. 67666

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