

ORIGINAL

Decision No. 67901

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 (commodities)
for which rates are provided in)
Minimum Rate Tariff No. 6-A).)

Case No. 5436
(Petition for Modification No. 61)
(Filed July 22, 1964)

OPINION AND ORDER

Minimum Rate Tariff No. 6-A names minimum rates, rules and regulations for the transportation of petroleum and petroleum products in bulk in tank vehicles by petroleum contract carriers and city carriers between points in the State of California. By this petition, California Trucking Association seeks to have the diversion provisions of Item No. 220 of the above tariff amended by making a specific reference therein to the minimum charge per shipment. Petitioner requests that 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 there has been continuing industry uncertainty concerning the proper interpretation of the diversion provisions of Item No. 220 of Minimum Rate Tariff No. 6-A, and shipper-carrier experience with such provisions since its promulgation by Decision No. 67154, effective June 1, 1964, indicates several further minor revisions are required. It is further

alleged that specific reference to the minimum charge provided in Item No. 190 of the tariff is necessary in lieu of the implication presently intended by use of the phrase "lowest charge" in Paragraph 2 of Item No. 220 thereof. Petitioner avers that such reference was historically contained in Item No. 130 of the previous issue of the tariff.

Copies of the verified petition were mailed to various petroleum shippers and carrier representatives on or about July 21, 1964. No objection to the granting of the petition has been received.

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

IT IS ORDERED that:

1. Minimum Rate Tariff No. 6-A (Appendix A of Decision No. 67154) is hereby amended by incorporating therein, to become effective November 1, 1964, First Revised Page 20 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 November 1, 1964.

3. Common carriers, in establishing and maintaining the rates and charges 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 rates and charges 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. 67154 shall remain in full force and effect.

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

Dated at San Francisco, California, this 22nd day of September, 1964.

Fredrick B. Hallock
President
John P. Hallock
Robert A. Page
George F. Traver
William B. Bennett
Commissioners

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">SHIPMENTS DIVERTED, RETURNED, OR STOPPED IN TRANSIT FOR PARTIAL LOADING OR UNLOADING</p> <p>(Does not apply to split delivery shipments for which rates and charges are provided in Item No. 230.)</p> <p>1. Charges upon a shipment which at request of consignor or consignee is either diverted or stopped in transit for partial loading or unloading, or any of them, shall be computed at the rate applicable from point of origin to the point where delivery is completed via each of the points where diversion occurs or partial loading or unloading is performed. (Subject to Notes 1, 2, 3, 5 and 7.)</p> <p>2. Charges upon a shipment or a portion of a shipment returned to point of origin or to a point directly intermediate between point of origin and original destination or last point of diversion shall be computed for such return on actual gallonage at one-half of the rate applicable on the outbound movement (subject to minimum charge provided in Item No. 190 applicable to the shipment or portion returned) or the charge computed on the basis provided in paragraph 1 of this item for the round trip movement, or \$21.85, whichever is the lowest. (Subject to Notes 1, 2, 3, 4, 5 and 7.)</p> <p>3. The provisions of paragraph 2 will also apply to the return of contaminated shipments which are not in carrier's possession at time of tender subject to an additional charge of \$6.85, said charge to be in addition to all other applicable charges, and subject to Note 6.</p> <p>NOTE 1.-Charges upon a shipment of Crude Oil transported under the provisions of Item No. 450 shall be computed at the highest rate provided to any point where diversion occurs or delivery is performed.</p> <p>NOTE 2.-Shipments shall be subject to an additional charge of \$6.85 for each stop in transit to partially load or unload.</p> <p>NOTE 3.-Shipments or portions thereof shall be subject to an additional charge of \$4.40 per each diversion. This charge shall be in addition to all other charges provided herein and contemplates that carrier's equipment shall not stand by awaiting diversion instructions for a period of time in excess of one-half hour. Any such time in excess of one-half hour shall be construed to be excess unloading time and charged for at the rates provided in Item No. 160.</p> <p>NOTE 4.-Except as otherwise provided in paragraph 3, applies only on shipments or portions of shipments which have not been unloaded from carrier's equipment.</p> <p>NOTE 5.-A diverted shipment is a shipment on which a point of destination or consignee is changed, or both are changed, after the shipment leaves the point of origin.</p>	<p>Δ 220</p>

NOTE 6.-Applies only to a return shipment made to the plant from which an outbound shipment originates and only in conjunction with such an outbound shipment. Return shipment must be loaded at the precise point of destination of the outbound shipment.

NOTE 7.-Shipments diverted, returned or stopped in transit for partial loading or unloading shall be subject to applicable mileage rates computed from origin to ultimate destination via point or points of diversion, return or stop in transit, whether or not the entire movement takes place within a group. The applicable mileage will be derived from current distance table except, that in all cases wherein the first point of origin or the last point of destination is located within a group, mileage from first point of origin or to last point of destination shall be computed from or to the basing point in which said first point of origin or last point of destination is located.

ΔChange, neither
increase nor reduction, Decision No. 67901

EFFECTIVE NOVEMBER 1, 1964

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

Correction No. 3