

ORIGINAL

Decision No. 68049

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

Minimum Rate Tariff No. 7 names minimum rates, rules and regulations for the transportation of property in dump truck equipment. Recently, the rules and regulations concerning payments of charges due from overlying carriers to underlying carriers acting as sub-¹haulers were considered in a Commission investigation. In that investigation, the Commission concluded that "Paragraph (b), Item 45-C, Minimum Rate Tariff No. 7 applies to collections by an underlying carrier from an overlying carrier."; and that "Minimum Rate Tariff No. 7 does not specify the time within which an overlying carrier must pay an underlying carrier for subhaul transportation. However, ... , an underlying carrier may not extend credit for a period in excess of twenty (20) days, excluding Sunday and legal holidays other than Saturday half-holidays, following the last day of the calendar month in which the transportation was performed; thus, payment by overlying carriers must be made within this time."

¹

Case No. 7760, Contractors Dump Truck Service, Inc., et al., Decision No. 67628 dated July 23, 1964, as modified by Decision No. 67827 dated September 15, 1964.

In the circumstances Minimum Rate Tariff No. 7 will be amended to reflect the foregoing conclusions. The Commission finds that the amendment will be reasonable, and that the resulting minimum rates will be just, reasonable and nondiscriminatory. A public hearing is not necessary.

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 November 21, 1964, Eighth Revised Page 4-A and Third Revised Page 5-B, 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.

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

Dated at San Francisco, California, this 13th day of October, 1964.

Fredrick B. Hallock
President
Jack E. Mitchell
George G. Grover
William H. Beard
Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Continued)
	<p style="text-align: center;">§ (1) COLLECTION OF CHARGES</p> <p style="text-align: center;">*(For other provisions concerning payments of overlying carriers to underlying carriers, see also Item No. 94.)</p> <p>(a) Except as otherwise provided in this item, transportation and accessorial charges shall be collected by the carriers prior to relinquishing possession of property entrusted to them for transportation; said charges shall be collected in cash or in the form of valid checks, drafts or money orders.</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 debtors, for a period not to exceed 20 days, excluding Sundays and legal holidays other than Saturday half-holidays, following the last day of the calendar month in which the transportation was performed.</p> <p>(c) Where the 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 debtor, 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 debtors within 5 days after the last calendar day of the month in which transportation was performed.</p> <p>(e) Debtors 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 evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor 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>

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Δ UNITS OF MEASUREMENT TO BE OBSERVED

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Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated for the type of shipment being rated.

∅ Change
* Addition
Δ Change, neither increase nor reduction) Decision No. 68049

EFFECTIVE NOVEMBER 21, 1964

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 1059

Item No.	SECTION NO. 1 - RULES AND REGULATIONS (Concluded)
694	<p style="text-align: center;">PAYMENTS TO UNDERLYING CARRIERS</p> <p>Charges paid by any overlying carrier to an underlying carrier and collected by the latter carrier from the former for the service of said underlying carrier shall be not less than 95 percent of the charges applicable under the minimum rates prescribed in this tariff, less the gross revenue taxes applicable and required to be paid by the overlying carrier. (See Notes 1 and 2.) *The underlying carrier may extend credit to the overlying carrier for a period not to exceed twenty days, excluding Sundays and legal holidays other than Saturday half-holidays, following the last day of the calendar month in which the transportation was performed, and payment by the overlying carrier must be made within this time.</p> <p>NOTE 1.-As used in this item the term gross revenue taxes means the California Transportation Tax payable to the California Board of Equalization and the tax payable to the California Public Utilities Commission under the Transportation Rate Fund Act.</p> <p>NOTE 2.-Nothing herein contained shall prevent an overlying carrier, in paying such charges, from deducting therefrom such liquidated amounts as may be due from the underlying carrier to the overlying carrier, providing such deductions have been authorized in writing by the underlying carrier. Any overlying carrier electing to employ this procedure shall itemize such amounts and maintain for the Commission's inspection all documents involved in the transaction.</p>
96	<p style="text-align: center;">RATES BASED ON VARYING MINIMUM TRUCKLOAD WEIGHTS</p> <p style="text-align: center;">(Applies only in connection with rates making reference to this item)</p> <p>When charges on a shipment transported in one unit of dump truck equipment at one time based on actual weight exceed the charges which would accrue if charges were computed upon a rate based upon a higher minimum weight, the latter will apply.</p>
<p>∅ Change) Decision No. 68049 * Addition)</p>	
<p>EFFECTIVE NOVEMBER 21, 1964</p>	
<p>Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 1060</p>	