

ORIGINALDecision No. 69458

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 cement and
 related products (commodities for
 which rates are provided in Mini-
 mum Rate Tariff No. 10).

Case No. 5440
 Petition for Modification
 No. 24
 (Filed February 15, 1965)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 69455 entered today in Case No. No. 5432, Petition for Modification No. 371, et al., the Commission found that revised rules should be established in Minimum Rate Tariff No. 2 and Minimum Rate Tariff No. 10 governing the computation of constructive mileages for split pickup and split delivery shipments. That decision also found that, to avoid duplication of tariff distribution, Minimum Rate Tariff No. 10 should be amended by separate order.

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 September 4, 1965, Fourth Revised Page 7 and Fifth Revised Page 8, 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 or not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than September 4, 1965; and the tariff publications which are authorized

but not 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, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

3. Common carriers, in establishing and maintaining the rates 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 rates 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.

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

Dated at San Francisco, California, this 27th day of July, 1965.

Frederick B. Holcliff
President

George T. Gower

Augustine
Commissioner Peter B. 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.

SECTION NO. 1--RULES AND REGULATIONS (Continued)	Item No.
<p style="text-align: center;">RETURNED SHIPMENTS</p> <p>Articles refused by consignee may be returned to original shippers at original point of shipment at one-half of the outbound rate current at time of return movement upon the following conditions only:</p> <p>(a) Goods for the return movement properly identified must be presented to the carrier within ten days from the date that the outbound shipment was tendered to the carrier for transportation.</p> <p>(b) All charges must be prepaid or guaranteed. Shipping order for the return movement must show reference to original outbound shipment.</p> <p>(c) Goods must be returned over the lines of the carrier that transported the original outbound movement.</p> <p>NOTE.--The minimum charge specified in Item No. 90 does not apply in connection with return movements made in accordance with the foregoing provisions of this item.</p>	120
<p style="text-align: center;">SPLIT DELIVERY</p> <p>Shipments may consist of several component parts delivered to to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, subject to the following conditions and additional charges:</p> <ol style="list-style-type: none">1. The composite shipment shall consist of not to exceed three component parts.2. Charges shall be paid by the consignor when there is more than one consignee.3. At the time of or prior to the tender of the composite shipment, the carrier shall have been furnished with written instructions showing the name of each consignee, the point or points of destination, and the kind and quantity of property in each component part.4. The charge for the transportation of the composite shipment shall be the charge applicable for transportation of a single shipment of like kind and quantity of property, computed by applying the applicable mileage rate from point of origin to point of final destination via each individual destination. *(See Exception) <p>*EXCEPTION.--In the event that a shipment has component parts both within and without a mileage territory, the shortest distance shall be computed subject to the following provisions:</p>	6130

(a) Between a point within a metropolitan zone and a point not within the same metropolitan zone group but within the Related Mileage Territory, use for constructive mileage determination for the point within the metropolitan zone, the mileage basing point for the applicable metropolitan zone group.

(b) Between two or more metropolitan zones within the same metropolitan zone group, use for constructive mileage determination the mileage basing points for the individual metropolitan zones.

5. In addition to the charge applicable for transportation of a single shipment of like kind and quantity of property, computed as set forth in paragraph 4, an additional charge of \$6.00 shall be made for each of the component parts comprising the composite shipment.

(1) Item No. 135 formerly shown on this page transferred to Fifth Revised Page 8.

6 Change) Decision No. 69458
* Addition)

EFFECTIVE SEPTEMBER 4, 1965

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 77

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
<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 or classifications include references to amendments and successive issues of such publications.</p>	(1)g 135
<p style="text-align: center;">COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Items Nos. 140, 141 and 142)</p> <p>1. A collect on delivery shipment, hereinafter referred to as a C.O.D. shipment, means a shipment upon which the consignor has attached, as a condition of delivery, the collection of a specific sum or sums of moneys by the carrier making delivery thereon and the return of said moneys to the consignor or other payee designated by the consignor.</p> <p>2. No carrier shall handle C.O.D. shipments unless and until it has on file with the Commission a good and sufficient bond in such form as the Commission may deem proper, in a sum of not less than Two Thousand Dollars (\$2,000). The principal amount of the bond of any particular carrier may be increased from time to time where the Commission finds that the public interest so requires.</p> <p>3. The bond required by paragraph 2 hereof shall be filed by the carrier as principal and by a qualified surety insurer, authorized to do business in the State of California, as surety, payable to any person or persons to whom any amount may be due on any C.O.D. shipment transported by the carrier and not remitted to the person or persons to whom it is due within 10 days after delivery of any such C.O.D. shipment; that each bond filed pursuant to the foregoing shall specify the extent to which the carrier's operations are covered thereby; that such a bond may cover more than one operative authority held by the same carrier; that when a carrier with such a bond on file with the Commission obtains additional operative authority, said bond shall be revised or reissued to show whether or not the additional operative authority is covered thereby; and that the name of the carrier's surety company in any bond filed pursuant hereto will be made public by the Commission upon reasonable request therefor.</p> <p>4. The term of the bond shall include: that any person or persons to whom an amount may be due on any C.O.D. shipment transported by a carrier and not remitted within 10 days after delivery of said shipment may file a claim therefor with the surety; that upon the filing of the claim, the surety shall notify the Commission and the carrier in writing of such filing; that such notification to the Commission shall be addressed to the Public Utilities Commission of the State of California at its office in San Francisco; that suit against the surety shall be commenced within one year after the date the shipment was tendered to the carrier; and that the surety waives any rights it may have under Section 2845 of the Civil Code of the State of California.</p>	140

5. The bond required herein may be canceled by the surety by written notice to the Public Utilities Commission of the State of California at its office in San Francisco, such cancellation to become effective thirty days after receipt of said notice by the Commission.

6. Claims arising from failure to remit C.O.D. moneys may be filed by any person or persons to whom an amount may be due directly against the surety company and any suits against the surety must be commenced within one year from the date the shipment was tendered.

7. The name and address of the surety company may be obtained from the Public Utilities Commission, State Building, San Francisco, California 94102.

8. The bond prescribed herein shall not be required of carriers while engaged as independent-contractor subhaulers; or city carriers operating within lawfully established pickup and delivery limits as agents of a common carrier in the performance for such common carrier of transfer, pickup or delivery services provided for in the lawfully published tariffs of such common carrier.

(Continued in Item No. 141)

(1) Item No. 135 shown on this page formerly appeared on Third Revised Page 7.

ø Change, Decision No. **69458**

EFFECTIVE SEPTEMBER 4, 1965

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 78