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Decision No. 71302

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

Case No. 5436
)(Petition for Modification No.)
73)
) (Filed October 29, 1965)
) (Amended June 8, 1966)

OPINION AND ORDER

Minimum Rate Tariff No. 6-A names minimum rates and rules 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, as amended, California Trucking Association seeks technical adjustments in certain rules in the above tariff, which are primarily designed to complement and clarify present tariff provisions in the light of current needs. Petitioner asks that 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.

The petition proposes: (1) a prorate clause for monthly or weekly rates; (2) technical changes for rules which provide for diverted or returned shipments; (3) clarification of the estimated weight provisions by adding the term "per gross gallon loaded" and (4) definitions for the terms "day" and "month."

Petitioner states that revisions in the rule pertaining to shipments that are diverted, returned or stopped in transit for partial loading or unloading are necessary due to changing requirements of the industry and the complexity of the present rule.

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Petitioner alleges that the proposed changes concerning the estimated weight provisions and the definitions of "day" and "month" would make the tariff provisions definite and certain. The proration clause is said to be necessary to cover circumstances which arise when changes in rates occur during a celendar period when vehicle unit rate agreements between shippers and carriers are in effect.

Copies of the verified petition and amendment were mailed to various petroleum shippers and carrier representatives on or about October 29, 1965, and June 3, 1966, respectively. The petition and amendment were listed on the Commission's Daily Calendar of November 1, 1965, and June 9, 1966, respectively. No objection to the granting of the petition, as amended, has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable, that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved and that, to the extent that increases are involved, such increases are justified. A public hearing is not necessary. The Commission concludes that the petition, as amended, should be granted. Other minor changes not related to the subject matter of the petition will be made in some of the tariff pages herein being revised.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 6-A (Appendix A of Decision No. 67154, as amended) is further amended by incorporating therein, to become effective October 22, 1966, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix are by this reference made a part hereof.

Chevron Asphalt Company and Gulf Oil Corporation have respectively succeeded American Bitumuls Company and Wilshire Oil Company and Items Nos. 40 and 300 of the tariff will be amended to reflect such changes. Reference on lines 5 and 6 of the Group 4 description in Item No. 300 to "southwest corner of Section 4, T.24S., R.28E. is in error and will be corrected to read: "southwest corner of Section 4, T.29S., R. 28E.

- 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 22, 1966; and 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 rules 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 rules 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 Decision No. 67154, as amended, shall remain in full force and effect.

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

Dated at Los Angeles, California, this Zo day of September, 1966.

Herry Harrier

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Commissioners

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

Appendix A to Decision No. 71302

List of Revised Pages to Minimum Rate Tariff No. 6-A
Authorized by said Decision

Second Revised Page 3

Third Revised Page 7

Second Revised Page 9

Second Revised Page 15

Fourth Revised Page 20

Second Revised Page 21

Fourth Revised Page 24

Third Revised Page 39

Charles and S

First Revised Page 39-A

Second Revised Page 40

(END OF APPENDIX A LIST)

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Rules and Regulations (Concluded): Collection of Charges	140 150 260 10, 11 160 250 210
Measurement, Units of, to be Observed	190 200 50 210 220 225 240 10, 11

Addition Decision No. 71302
** Eliminated)

EFFECTIVE OCTOBER 22, 1966

Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 41

SECTION NO. 1 - RULES AND REGULATIONS (Continued)

Item No.

DEFINITION OF TECHNICAL TERMS (Concluded) (Items Nos. 10 and 11)

RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from, rail cars or vessels. It also includes truck loading facilities of plants or industries located at such rail or vessel loading or unloading point.

RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.

SAME TRANSPORTATION means transportation of the same kind and quantity of property and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.

SHIPMENT means a quantity of freight tendered by one shipper on one shipping document at one point of origin at one time for one consignee at one point of destination. (See Items Nos. 220 *and 225 for exceptions)

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TEAM TRACK means a point at which property may be loaded into, or upon, or unloaded from reil cars by the public generally. It also includes wherves, docks and landings at which the public generally may receive and tender shipments of property from and to common carriers by vessel.

UNLOADING TIME means that time which commences when carrier's equipment is placed in position to unload and/or spread and which terminates when cerrier's equipment is released for departure from point of destination. It also includes time spent in weighing, sampling and/or the processing of samples even though such time may be spent prior to the placement of the equipment in position to unload or spread.

APPLICATION OF TARIFF - GENERAL

Rates provided in this tariff apply for the transportation of shipments of petroleum and petroleum products as described in Item No. 30, in bulk in tank trucks, tank trafters or tank semitrafters, or a combination of such highway vehicles, between points in the State of California by petroleum contract carriers as defined in the Highway Carriers' Act, and by carriers as defined in the City Carriers' Act. Rates include connecting and disconnecting piping and other services incidental to loading and unloading except those services for which rates or charges are provided in individual items.

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For rates for the transportation of petroleum and petroleum products, other than as provided in this tariff, see Minimum Rate Tariff No. 2.

Rates, rules and regulations named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent contractors are performing transportation service.

Rates in this tariff do not apply to the transportation of:

- (a) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.
- (b) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.
 - & Change) Decision No. 71302

EFFECTIVE OCTOBER 22, 1966

Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 42

SECTION NO. 1 - RULES AND REGULATIONS (Continued)	Item No.
APPLICATION OF TARIFF - TERRITORIAL GROUPS	
Rates from, to or between all points in the groups decribed in Item No. 300, but not between points in the same group, shall be the rates in Section 3 of this tariff applicable from, to or between the mileage basing points designated in connection with the groups. (See Item No. 150.)	
Rates from or to AChevron Asphalt Company facilities located at 4525 San Leandro Street, Cakland, California, Shall be the rates in Section 3 of this tariff applicable from or to Pinole, California.	
Unless otherwise specified, where streets, reilway lines, rights of way, and water courses are used in Item No. 300 to define boundaries, the center line of such streets, railway lines, rights of way and water courses will constitute the boundary lines.	व्यं ०
The term "street" as used above will be synonymous with "avenue", "boulevard", "drive", "lane", "terrace", "road", or other designation thereof.	
Where the term "shore line" or "ocean" is employed as a boundary line, such line shall be construed to embrace any pier or wharf extending into the adjacent body of water.	
Where the written description of a group conflicts with the map description of that same group, the written descrip- tion will govern.	·
REFERENCES TO ITEMS AND OTHER TARIFFS	
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 include references to amendments and successive issues of such other tariffs.	50
ACCESSORIAL CHARGES NOT TO BE OFFSET BY TRANSPORTATION CHARGES	:
Accessorial charges set forth in this tariff for accessorial services not included in the rate for actual transportation shall be assessed and collected when such services are performed, regardless of the level of the transportation rate assessed. Such accessorial charges may not be waived on the basis that a higher-than-minimum transportation rate serves as an offset.	60

Δ Change, neither increase nor reduction, Decision No. 71302 EFFECTIVE OCTOBER 22, 1966-Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 43 - 9 -

SECTION NO. 1 RULES AND REGULATIONS (Continued)	Item No.
COMPUTATION OF CHARGESESTIMATED WEIGHTS	
l. The weight of commodities described under heading "Refined Petroleum Products" in Item No. 30 shall be computed upon the basis of 6.6 pounds per *gross gallon loaded.	
2. The weight of commodities described under headings "Black Oils" and "Crude Oil" in Item No. 30, and "Crude Residuum" and "Carbon Black Oil" where such description is used in this tariff, shall be computed upon the basis of 7.75 pounds per *gross gallon loaded.	ø11;
3. The weight of Liquefied Petroleum Gas shall be computed upon the basis of 4.4 pounds per *gross gallon loaded.	
4. The weight of Asphalt and Road Oil shall be the actual *gross weight loaded.	
35. The weight of commodities which are returned shall be as specified above for the same commodities when loaded.	
COMPUTATION OF DISTANCES	
Distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route, computed in accordance with the method provided in the Distance Table, subject to the following exceptions:	
EXCEPTION 1Distances shall not be computed via the San Francisco-Oakland Bay Bridge when the petroleum products transported have a flash point of 80°F. or below (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils).	150
EXCEPTION 2Mileages to be used in connection with distance rates named herein for shipments, other than shipments subject to Item No. 220, having both point of origin and point of destination within any single group described in Item No. 300 shall be:	
(a) Group 2 - 8 constructive miles (b) Group 4 - 4 constructive miles (c) Group 6 - 12 constructive miles	
ø Change) - 74302	
* Addition Decision No. 71302	
EFFECTIVE OCTOBER 22, 1966	

SECTION NO. 1 -- RULES AND REGULATIONS (Continued)

Item No.

SHIPMENTS DIVERTED ** OR STOPPED IN TRANSIT

- l. Charges for shipments which, at request of consignor or consignee, are either diverted or stopped in transit for partial loading or unloading 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, 3, 4, 5, 6, and 7.)
- 2. Charges for shipments which, at request of consignor or consignee, are either diverted or stopped in transit for partial loading or unloading shall be computed at the mileage rate based on 50% of the mileage applicable from point of origin to return thereto via each of the points where diversion occurs or partial loading or unloading is performed. (Subject to Notes 2, 3, 4, 5, 6, and 7.)
- NOTE 1.—The provisions of Paragraph 1 will apply only on shipments where charges are based on a mileage of less than 50 constructive miles and/or when a geographical order of pickup or delivery is specified by the shipper or consignee which results in a higher through mileage than that incurred via the shortest mileage route.

\$220

- NOTE 2.--The provisions of Paragraph 2 will apply only on shipments which are not subject to the provisions of Paragraph 1.
- NOTE 3.--Charges for shipments 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.
- NOTE 4. -- Shipments shall be subject to an additional charge of \$7.10 for each stop in transit to partially load or unload.
- NOTE 5.--Shipments or portions thereof shall be subject to an additional charge of \$4.55 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.

NOTE 6.--A diverted shipment is one for which either a consignee; destination point; or both are charged after departure from the point of origin. In no event shall a return shipment be construed as a diverted shipment.

NOTE 7. -- Shipments diverted 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 or stop in transit, whether or not the entire movement occurs within a group. Applicable mileage shall be determined from the current Distance Table. The group basing points named in Item No. 300 will not apply; except that in all cases wherein the first point of origin or the last point of destination is located within a group, mileage shall be computed from or to the basing point of the group in which said point is located. Two constructive miles shall be added for each point in excess of one located within a single metropolitan zone.

 Change
 "Shipments Returned" transferred
 Page 21 to Second Revised Page 21.

Decision No. 71302

EFFECTIVE OCTOBER 22, 1966

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Correction No. 45

MINIMUM RATE TARIFF NO. 6-A

SEC	TION NO. 1 -	RULES AND REG	ULATIONS (Co	entinued)	Item No.
	(1) SHIPMENTS RET	URNED		
returned to on actual ga the outbound and further	point of ori illonage at of imovement, s	shipment or a gin shall be one-half of the subject to a mid flat addition 2.)	omputed for rate applications of the results of the computer o	such return able on \$22.67,	
the return of rier's posse charge of \$7	of contaminatession at time 7.10, said ch	of Paragraph 1 ted shipments we see of tender, s marge to be in subject to Note	which are not subject to ar addition to	in car- additional	ø* 225
NOTE 1.	Shipments 7.10 for each	shall be subject trans	ect to an addit to partia	ditional ally load	
or unload. NOTE 2 applies only	Except as y on shipment	otherwise provise or portions	of shipments		
NOTE 2 applies only have not bed NOTE 3 shipments of destination	Except as y on shipment en unloaded i The provis r portions the point of the		of shipments equipment. Paph 2 apply at the precisement for re-	only on se turn to	
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NOTE 2 applies only have not bed NOTE 3 shipments or destination the plant for	Except as y on shipment en unloaded in the provisions the point of the rom which the Transferred Change	from carrier's sions of Paragraereof loaded a coutbound ship ey were original	of shipments equipment. eaph 2 apply at the precis ment for really shipped	only on se turn to	

SECTION NO. 2—DESCRIPTIONS OF TERRITORIAL GROUPS AND CRUDE OIL GROUPS

Item No.

GROUP NO. 2-MILEAGE BASING POINT-PINOLE

Beginning at the point where the Contra Costa-Alameda County boundary line meets San Francisco Bay, easterly along said boundary line to East-shore Freeway (U.S. Highway 40-Interstate Highway 80), northerly and east-erly on Eastshore Freeway and U.S. Highway 40-Interstate Highway 80 to State Highway No. 4, easterly on State Highway No. 4 to Solano Way, north-westerly on Solano Way and its prolongation to Suisun Bay, westerly, northerly, southerly and easterly along the shore lines of Suisun Bay, Carquinez Strait, San Pablo Bay and San Francisco Bay to point of beginning.

GROUP NO. 4-MILEAGE BASING POINT-BAKERSFIELD

Beginning at the intersection of Brimhall Road and Calloway Road, northerly on Calloway Road to the prolongation of Olive Drive, casterly along the prolongation of Olive Drive and Olive Drive to Airport Drive, northerly on Airport Drive to Norris Road, easterly on Norris Road to Manor Street, northerly on Manor Street to China Grade Loop, easterly on China Grade Loop to the northerly prolongation of River Boulevard (southwest corner of Section 4,AT.29S., R.28E.), northerly along the prolongation of River Boulevard to the easterly prolongation of Seventh Standard Road (northwest corner of Section 4. T.29S., R.28E.), easterly along the prolongation of Seventh Standard Road to the northerly prolongation of Mount Vernon Avenue (northeast corner of Section 4, T.29S., R.28E.), southerly along the prolongation of Mount Vernon Avenue and China Grade Loop to the Kern River, southwesterly along the Kern River to its intersection with the prolongation of Oak Street, southerly along the prolongation of Oak Street and Oak Street to the right-of-way of The Atchison, Topeka and Santa Fe Railway Company, westerly along The Atchison, Topeka and Santa Fe Railway Company right-of-way to the Kern River, south-Westerly along the Kern River to its intersection with the prolongation of California Avenue-Brimhall Road (south boundary line of Section 27, T.29S., R.27E.), westerly along the prolongation of Brimhall Road and Brimhall Road to the point of beginning.

GROUP NO. 6-MILEAGE BASING POINT (MZ-247)

Group No. 6 consists of that area included within the following hietropolitan Zones as described in Section No. 2-A of Distance Table No. 5= 232, 240, 241, 242, 243, 247, 248, 249, 250, 251, 252; and the plants of the Chevron Asphalt Company, located at 8707 Aviation Boulevard, Inglewood (MZ 233); the Powerine Oil Company, located at 12354 Lakeland Road, Santa Fe Springs, (MZ 237); and the AGulf Oil Corporation, located at 13539 East Foster Road, Santa Fe Springs (MZ 244).

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△ Change, neither increase nor reduction, Decision No. 71302

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Correction No. 47

SECTION NO. 4 - VEHICLE UNIT RATES (Continued)

Item

VOLUME TENDER QUALIFICATIONS
(Applies only in connection with items making reference hereto.)
(Items Nos. 520 and 521)

- l. Each engagement shall commence at time of arrival of carrier's equipment at point of origin and shall terminate at the expiration of the calendar period requested in advance by the shipper or when released by the shipper within the requested calendar period, provided that the engagement shall not be deemed to be terminated until carrier's equipment is returned or charges are paid for return of carrier's equipment to the point of origin of the shipment.
- 2. Charges for time used in excess of the calendar period requested shall be computed as follows: (1) At the rate of J.M. for each quarter-hour or fraction thereof plus 21 cents per mile until delivery of the product is completed; (2) At the rate of 39 cents per mile for return of equipment from the point of final delivery to the point of origin of the shipment. Said charge based on actual mileage shall apply whether or not carrier's equipment is physically returned to point of origin of the shipment.
- 3. (a) Each unit of equipment shall be made available to the snipper for the full calendar period requested less only that time necessary for the fueling, internal cargo tank cleaning and servicing of the equipment.

(b) In the event equipment is not available to shipper because it is undergoing repairs, waiting for repairs, traveling for repairs, or waiting for replacement of equipment requiring repairs, time that equipment is not available to shipper and which is ascribable to the foregoing reasons shall be used to extend the calendar period requested by shipper.

(c) Carrier will provide internal cargo tank cleaning if requested by the shipper during any volume tender period subject to an additional charge of \$15.00 for the cleaning of each unit of carrier's equipment. In addition thereto, carriers will also assess the applicable mileage and hourly charges set forth herein.

lt. As used in this item "unit of carrier's equipment" means my power unit, tank trailer or tank semitrailer, or any combination of such highway vehicles operated together as a single unit. It also includes any of such vehicles used in the replacement of the unit of carrier's equipment, or a portion thereof, which has become inoperable while engaged in transportation under this item.

- 5. Mileages applicable in connection with this item shall be actual mileages. Actual mileage shall not include mileage that equipment operates to and from carrier's terminal for any purpose.
- 6. When transportation is performed under the provisions of this item, the following rules will not apply:

Item No. 70 - Allowance for Delivery After Hours

Item No. 160 - Demurrage or Detention Charges Item No. 170, paragraph 2(b) - Pumping Charge Item No. 190 - Minimum Charge \$520

Item No: 210 - Issuance of Shipping Documents

pItem No. 220 - Shipments Diverted ** or Stopped in Transit
for rartial Loading or Unloading *Item No. 225 - Shipments Returned Items Nos. 300 and 330 through 350 - Descriptions of Territorial Groups (Continued in Item No. 521) Change Decision No. 71302 Addition Eliminated EFFECTIVE OCTOBER 22, 1966 Issued by the Public Utilities Commission of the State of California, San Francisco, California. Correction No. 48 - 39 -

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Original Page39-A

MINIMUM RATE TARIFF NO. 6-A

SECTION NO. 4 VEHICLE UNIT RATES (Continued)	Item No.
VOLUME TENDER QUALIFICATIONS (Concluded) (Applies only in connection with items	
making reference hereto.) (Items Nos. 520 and 521)	
7. All required tolls, ferry, special permits and weigh- master fees shall be in addition to the above-named rates and charges.	
8. A shipping document shall be issued by the carrier to the shipper for each engagement for transportation. The form of shipping document in Item No. 610 will be suitable	
and proper. A copy of each shipping document shall be	!
retained and preserved by the issuing carrier for a period	ø521
of not less than three years from the date of issuance.	, -
9. The charge for collecting and remitting amounts col-	
lected on C.O.D. shipments transported under the provisions of this item shall be \$2.60 per collection.	·
10. When pumping service is performed by the carrier, a charge of \$3.00 per hour with a one-half hour minimum shall	
are available for the use of the same service contemplated,	
the shipper must elect in advance as to which type of service	
is to be utilized.	
그는 상업에 발발되는 아이들은 이번 가게 들어가는 때문에 모르게 되었다.	
*12. As used in this item "day" means any period of	
24 consecutive hours; and "month" means any period of 30 consecutive days.	, e
\$13. In the event that a change is made in the minimum	
rates, the portion of the week or month prior to the effec-	
tive date of the change will be prorated at the former rates	
and the remaining days in the week or month will be promated at the new rates.	

EFFECTIVE OCTOBER 22, 1966

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SECTION NO. 4 - VEHICLE UNIT RATES (Concluded)	Item No.
WRITTEN AGREEMENT	, ,
Prior to the transportation of all commodities as described in Item No. 30 under the provisions of Items Nos. 500.	
510, 520 and .521, the shipper must enter into a written agreement with the carrier. The agreement should contain the following information:	
(1) Name and address of carrier. (2) Name and address of shipper.	
(3) Date of engagement. (4) Calendar period of agreement. (5) Rates and other charges agreed upon.	
(6) Size and type of equipment to be used. (7) The agreement shall be in substantially the following form:	
In accordance with the provisions of Items Nos. 500, 510, 520 and	
52l of Minimum Rate Tariff No. 6-A, I hereby request to have Petroleum and Petroleum Products as described in Item No. 30 of said tariff, transported by	<i>\$</i> 530
(Name of Carrier) under the rates, charges and provisions of Items Nos. 500, 510, 520 and 521 of said tariff, subject to the following terms:	
Date of engagement Calendar period of agreement	
Capacity of unit of equipment Identification of equipment Charge per unit of equipment for calendar period	
Additional charge per nour Additional charge per mile	
Excess charge per mile	
In the event that a change is made in the minimum rates, the portion of the week or month prior to the effective date of the	
change will be promated at the former rates and the remaining days in the week or month will be promated at the new rates.	
Shipper By (Name in full) (Name in full)	
Address Confirmed: By	
Address (Name in full)	
6 Change. Decision No.	
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EFFECTIVE OCTOBER 22, 1966	
Issued by the Public Utilities Commission of the State of Californic San Francisco Californic No. 50	