

ORIGINAL

Decision No. 71831

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 relat-)
ing 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. 79)
(Filed December 12, 1966)

OPINION AND ORDER

By this petition, California Trucking Association seeks to have established in Minimum Rate Tariff No. 6-A a definition of the term "Holidays." Petitioner requests 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.

Petitioner avers that the term "Holidays", as used in various items of Minimum Rate Tariff No. 6-A, is not presently defined and that in order to correct this situation and in the interest of tariff uniformity the proposed definition should be established in the above minimum rate tariff.

According to petitioner, its proposal is consistent with previous Commission decisions which revised or established the

definition of "Holidays" in various minimum rate tariffs¹ and that the proposed definition will conform with labor union contract provisions.

Copies of the verified petition were mailed to various shippers and carrier representatives on or about December 9, 1966. The petition was listed on the Commission's Daily Calendar of December 13, 1966. 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 consistent with the public interest, and that the resulting minimum rates will be just, reasonable and nondiscriminatory minimum rates. A public hearing is not necessary. We conclude that the petition should be granted.

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 February 18, 1967, Second Revised Page 6 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 fifth day after the effective date of this order on not less than five days' notice to the Commission and to the public and such tariff publications shall be made effective not later than February 18, 1967.

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

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Decision No. 69680, dated September 14, 1965, in Cases Nos. 5435, 5438, 5439 and 5441, Petitions for Modification Nos. 66, 52, 37 and 95, respectively.

extent necessary to comply with this order; 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 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 San Francisco, California, this 17th day of JANUARY, 1967.

Edith A. Hill
President

Augustin

William L. Bennett

Commissioners

SECTION NO. 1 - RULES AND REGULATIONS	Item No.
<p data-bbox="569 432 1015 504" style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p data-bbox="203 528 1202 620">CARRIER means a petroleum contract carrier as defined in the Highway Carriers' Act, or a carrier as defined in the City Carriers' Act.</p> <p data-bbox="203 659 1202 752">CARRIER'S EQUIPMENT means any tank motor truck, tank trailer or tank semitrailer, or any combination of such highway vehicles operated by the carrier.</p> <p data-bbox="203 790 1257 1179">COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment; any interstate or foreign rate or rates of any common carrier railroad or railroads applying between points in California by an interstate or foreign route, lawfully in effect at time of shipment; also any interstate or foreign rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, applying between points in California and in effect at time of shipment and covering transportation exempt from rate regulation of the Interstate Commerce Commission under Section 203(b)(8) of Part II of the Interstate Commerce Act.</p> <p data-bbox="203 1218 1202 1311">DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p data-bbox="277 1316 915 1349">DISTANCE TABLE means Distance Table No. 5.</p> <p data-bbox="194 1367 1235 1445">ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p data-bbox="194 1445 1278 1553">*HOLIDAYS mean New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, December 24, and Christmas Day. When such holidays fall on Sunday, the following Monday shall be considered as a holiday.</p> <p data-bbox="186 1573 1224 1733">INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p data-bbox="186 1772 1207 1865">LOADING TIME means that time which commences when carrier's equipment is placed in position to load and which terminates when carrier's equipment is released for departure from point of origin.</p> <p data-bbox="186 1903 1207 2243">MOBILE ROAD MIXER means contractor's or road making equipment that is equipped and being used in mobile service for the picking up of raw materials along a road or a proposed road, mixing them with petroleum products as described herein and dumped behind said moving road mixer. The equipment of carrier is attached to the mobile unit and proceeds with said unit in its road mixing service. The moving road mixer may either pump over the load or the carrier's equipment may pump over the load as the case may be. When carrier's equipment pumps the load, pumping charges as provided in paragraph (2)(b) of Item No. 170 apply in addition to the rates as otherwise provided herein.</p>	<p data-bbox="1318 1324 1361 1357" style="text-align: center;">10</p>

POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.

(Continued in Item No. 11)

Change }
* Addition } Decision No. **71831**

EFFECTIVE FEBRUARY 18, 1967

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 70