

**ORIGINAL**

Decision No. 72985

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

Case No. 5436  
 Petition for Modification  
 No. 80  
 (Filed May 3, 1967)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 72849, dated August 1, 1967, in Case No. 5432 (Petition for Modification No. 451) et al., provided that Distance Table 6 should be made to govern the distance rates named in Minimum Rate Tariffs Nos. 2 and 6-A. The decision also provided that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 6-A should be amended by separate order.

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 September 30, 1967, Third Revised Page 6 and Third Revised Page 33 attached hereto and by this reference made a part hereof.

2. The mileages prescribed by the Commission in Decision No. 72081 dated February 28, 1967, in Case No. 7024, are hereby adopted, established and approved as the just, reasonable and non-discriminatory bases for computing distances for use in applying distance rates in Minimum Rate Tariff No. 6-A.

3. The rates and charges set forth in Minimum Rate Tariff No. 6-A determined under the provisions of Distance Table 6 and the rules governing such rates and charges are hereby established as the minimum reasonable and sufficient rates and charges to be published, assessed, charged, collected and observed by all common carriers as defined in the Public Utilities Act for the transportation of petroleum and petroleum products in bulk in tank vehicles between the points for which rates are provided in the tariff.

4. Common carriers are authorized to adopt Distance Table 6 as the basis for computing distances for use in applying distance rates in their common carrier tariffs for the transportation of:

- (a) Commodities for which minimum rates have not been established, or
- (b) Commodities which are subject to higher rates than, or more restrictive provisions than, the minimum rates or provisions otherwise applicable.

5. Common carriers need not file with this Commission a distance table for the transportation of petroleum and petroleum products in bulk in tank vehicles but may instead publish in their tariffs the following provision to be made applicable only to distance rates for the transportation of said commodities:

"Distances to be used in connection with distance rates named herein shall be determined in accordance with Distance Table 6 issued by the Public Utilities Commission of the State of California."

6. 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 September 30, 1967; 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 fifth day after the effective date of this order, and may be made effective on not less than five 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.

7. Common carriers 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 provisions published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

8. In all other respects Decision No. 67154, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 29th day of August, 1967.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]  
Commissioners

## SECTION NO. 1 - RULES AND REGULATIONS

Item  
No.DEFINITION OF TECHNICAL TERMS  
(Items Nos. 10 and 11)

CARRIER means a petroleum contract carrier as defined in the Highway Carriers' Act, or a carrier as defined in the City Carriers' Act.

CARRIER'S EQUIPMENT means any tank motor truck, tank trailer or tank semitrailer, or any combination of such highway vehicles operated by the carrier.

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.

DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignee, consignee or other party.

✓DISTANCE TABLE means Distance Table 6.

ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.

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.

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.

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.

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.

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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, Decision No. 72985

EFFECTIVE SEPTEMBER 30, 1967

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.  
Correction No. 74

SECTION NO. 3-SPECIAL COMMODITY RATES In cents per 100 pounds			Item No.
ASPHALT, NATURAL, BY-PRODUCT OR PETROLEUM. (See Note 1).			
From	To (See Note 2)	Rates (Minimum Weight, 100,000 Pounds)	
Group 6 (as described in Item No. 300)	Oceanside	17	
	Escondido	20	
	San Diego	20	
	Mission Gorge	22½	
	Otay	22½	
	Lakeside	23½	
<p>NOTE 1.—Rates in this item apply only to shipments:</p> <p>(a) tendered on one bill of lading, which are picked up at a single point of origin and delivered to a single point of destination, at carrier's convenience, within a single 24-hour period; and</p> <p>(b) having point of destination at permanent storage facilities within the described areas; and</p> <p>(c) subject to the provision that, when through no fault of the carrier, delivery of the total quantity tendered is not made within the period specified in paragraph (a), mileage rates under Item No. 400 will apply.</p> <p>NOTE 2:</p> <p>△ OCEANSIDE—Includes all points and places located within the city limits of Oceanside, and the plant of Southcoast Asphalt Company located approximately 3 miles east of the intersection of State Sign Route 78 and Interstate Highway 5.</p> <p>ESCONDIDO—Includes all points and places located within the city limits of Escondido.</p> <p>△ SAN DIEGO—Includes all points and places located within Metropolitan Zones 307, 308, 309 and 310 as described in Section 2-A of the Distance Table and includes points and places within two miles of the intersection of Miramar Road and U.S. Highway 395.</p> <p>MISSION GORGE—Includes all points and places located within a 2-mile radius of the junction of Mission Gorge Road and Bell Road.</p>			

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OTAY--Includes all points and places located within a 2-mile radius of Main Street and Boyer Way in Otay.

LAKESIDE--Includes all points and places located within a 2-mile radius of the junction of Slaughterhouse Canyon and State Sign Route 67.

Δ Change, neither increase nor reduction, Decision No. 72985

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Correction No. 75