

**ORIGINAL**

Decision No. 73050

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 any and )  
all commodities between and within )  
all points and places in the State )  
of California (including, but not )  
limited to, transportation for )  
which rates are provided in )  
Minimum Rate Tariff No. 2) . )

Case No. 5432

And Related Matters )

Cases Nos. 5330, 5433, 5435,  
5436, 5437, 5438, 5439, 5440,  
5441, 5603, 5604, 6008, 7783  
and 7857

OPINION AND ORDER

There was distributed to interested parties on June 5, 1967, for study and comment a staff report which recommends that each of the Commission's minimum rate tariffs<sup>1</sup> be amended to directly and affirmatively require all writings, documents and other such instrumentalities, which must be issued, received or obtained by the carrier, pursuant to the tariff provisions governing individual transportation services, be retained and preserved. These writings fall into two general categories:

1. Shipping Documents (Bills of Lading), freight bills and accessorial service documents, issued separately or in combination, which the carrier must issue as a consequence of the transportation service.
2. Written documents and other instrumentalities which the carrier must issue, receive or obtain in connection with specific transportation services authorized by individual tariff items.

<sup>1</sup>The minimum rate tariffs involved are: City Carriers' Tariff No. 1-A, and Minimum Rate Tariffs Nos. 1-B, 2, 3-A, 4-B, 5, 6-A, 7, 8, 9-B, 10, 11-A, 12, 13, 14-A, 15 and 17.

Shipping Documents and freight bills contain information which is necessary to identify the shipment for delivery and billing purposes and provide the parties with a record of the transaction. Each of the Commission's tariffs contain rules which selectively indicate the elements which must comprise these documents and provide that other information which may be necessary to an accurate determination of the applicable minimum rate and charge must be included therein. The carrier is required to issue, retain and preserve a copy of shipping documents for a period of not less than three years from the date they were issued.

The documents included in the second group are not described as "Shipping Documents." They are individually required by the specific provisions of a number of items in several of the Commission's tariffs. These writings are identified as "written instructions," "written agreements," "request in writing" or other terminology. They are utilized to selectively identify the characteristics of the commodities or transportation services requested, the proper rates and charges applicable to such service and the terms and conditions which will prevail in connection with certain types of transportation services. The need for the carrier to retain these documents is directly set forth in several tariff items and implicitly required by other tariff provisions.

According to staff report the "written instructions" which the carrier is required to receive pursuant to the provisions of the minimum rate tariffs as a prerequisite to the transportation of certain types of shipments are not, in all cases, being retained and preserved by the carriers who perform this transportation service. Some parties contend that the tariff is silent regarding the disposition of these documents and that they may be retained or eliminated at the carrier's convenience.

This interpretation is inconsistent with the intentions of the Commission and is contrary to the purpose of the tariff rules which require these instructions and other writings. For example, in a case involving Split Pickup, the Commission has stated "To safeguard against abuse of these rules, the documentation requirements were promulgated."<sup>2</sup> Without some satisfactory means of verifying the existence of these required documents, the rules governing their issuance and contents would be invalidated.

The specific rates and charges set forth in the Commission's minimum rate tariffs may be applied only when the conditions which qualify their use are met. The application of certain tariff provisions and the rates authorized thereby are contingent upon the receipt of written instructions by the carrier, among other requirements.<sup>3</sup> In other cases, weighmasters certificates, shipper agreements and other written information are required.

When documentation is required in connection with the application of rates and charges, the carrier must retain these documents if it is to demonstrate its compliance with the conditions which qualify the use of the rates and charges assessed.

Responses were received from the California Trucking Association, the Los Angeles Chamber of Commerce and a trucking corporation. All responding parties favored the amendment of the rule involved herein, however, two of the parties suggested minor modifications thereof.

The suggested substitution of "and" for "or" in one instance in the proposed rule will be adopted.

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<sup>2</sup> Decision No. 66026, dated September 17, 1963, in Case No. 7006, 61 Cal.P.U.C. 411.

<sup>3</sup> Examples are: Items 85 (Multiple Lot), 160 (Split Pickup) and 170 (Split Delivery), Minimum Rate Tariff No. 2 and similar provisions in other tariffs.

The proposed modification to delete that portion of the rule which requires the retention of shipping documents and other records to be retained and preserved \*\*\*"at a location within the State of California," will not be adopted. Section 791 of the Public Utilities Code provides that records required by the Commission shall not be removed from the State, except upon such conditions as the Commission prescribes.

In the circumstances, it appears, and the Commission finds, that the proposed amendment of the rule, as modified, pertaining to the retention of shipping and other written documents is reasonable and consistent with the public interest. A public hearing is not necessary. The Commission concludes that the proposal herein should be adopted. The necessary tariff amendment to Minimum Rate Tariff No. 2 will be made by the order herein. In order to avoid duplication of tariff distribution the other minimum rate tariffs involved will be amended by separate orders.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective October 14, 1967, Twelfth Revised Page 27-A 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 shall be made effective not later than October 14, 1967.

3. The staff report is received in evidence as Ex Parte Exhibit No. 0-17 in Case No. 5432.

4. The three responses from interested parties are received in evidence collectively as Ex Parte Exhibit No. 0-18 in Case No. 5432.

5. 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 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 rule published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

6. In all other respects, Decision No. 31606, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 12<sup>th</sup> day of September, 1967.

*D. E. Atchell*  
President  
*Stallman*  
*W. G. ...*  
*William ...*  
*Paul P. Monsey*  
Commissioners

Item  
No.SECTION NO. 1 - RULES AND REGULATIONS OF GENERAL  
APPLICATION (Continued)

## ISSUANCE OF DOCUMENTS

1. ISSUANCE OF SHIPPING DOCUMENT. A shipping document (bill of lading or comparable shipping order) (see Note) shall be issued by the carrier to the consignor for each shipment received for transportation. The shipping document (bill of lading or comparable shipping order) shall be issued at the time of or prior to the receipt of or pickup of the shipment and shall show the following information: (See Item No. 85, multiple lot shipment; Items Nos. 160 and 161, split pickup shipment; and Items Nos. 170 and 171, split delivery shipment, for special governing provisions.)

- (a) Name of carrier.
- (b) Date of shipment.
- (c) Name of consignor and name of consignee.
- (d) Point of origin and point of destination.
- (e) Description of property constituting the shipment (in terms of the Governing Classification or Exception Ratings Tariff or as provided in this tariff).
- (f) Weight of the shipment (or other factor or unit of measurement upon which the charges are based).

NOTE: If a shipping order form of shipping document is used, it may be issued either in individual or manifest form.

2. ISSUANCE OF FREIGHT BILL. A freight bill shall be issued by the carrier for each shipment transported. Except with respect to inter-carrier transactions, only one freight bill shall be issued for each shipment transported and the carrier shall not apportion, prorate, or otherwise divide the freight charges between or among the consignor(s), consignee(s), or any other parties. The freight bill shall show the following information:

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- (a) Name of carrier.
- (b) Date of freight bill.
- (c) Date of shipment.
- (d) Name of consignor and name of consignee.
- (e) Point of origin and point of destination.
- (f) Description of shipment (in terms of the Governing Classification or Exception Ratings Tariff or as provided in this tariff).
- (g) Weight of the shipment (or other factor or unit of measurement upon which the charges are based).
- (h) Rate and charge assessed.
- (i) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge.

3. ISSUANCE OF ACCESSORIAL SERVICE DOCUMENT. An accessorial service document shall be issued by the carrier to the consignor or consignee who requested or ordered the service for stacking, sorting, helpers for loading or unloading, vehicle detention or any other accessorial or incidental service when rendered by the carrier, but which is not authorized to be performed under the transportation rates named in Sections 2 and 3 of this tariff. The accessorial service document shall show the following information:

- (a) Name of carrier.
- (b) Date of issuance.
- (c) Name of consignor or consignee or their representative, ordering or requiring the services, or for whom they are rendered.

(d) Shipping document numbers or other identification of the shipments in connection with which the services are rendered.

(e) Time for which equipment ordered, if any, and time of constructive and actual placement.

(f) Address at which the accessorial service is performed.

(g) Weight, in pounds, loaded or unloaded.

(h) Time loading or unloading begun and completed.

(i) Free time allowable.

(j) Time or weight on which charges are based.

(k) Rate and charges assessed.

(l) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge.

4. For the transportation of (1) permit shipments, (2) shipments which require circuitous routing, or (3) shipments requiring escort service, the following information, wherever applicable, shall be shown on all shipping documents issued by the carrier in connection therewith and shall be in addition to the information otherwise required to be shown by Paragraphs 1, 2 and 3 of this item:

(a) Permit identification of all permit shipments. (See Item No. 10.)

(b) Any circuitous routing required, and the authority therefor.

(c) Any escort service furnished and the authority therefor. (See Item No. 10.)

5. The forms of documents in Items Nos. 910 and 912, or a consolidation thereof, will be suitable and proper.

6. A copy of each shipping document, freight bill, accessorial service document, weighmaster's certificate, written instructions, written agreement, written request or any other written document which supports the rates and charges assessed and which the carrier is required to issue, receive or obtain by this tariff for any transportation or accessorial service shall be retained and preserved by the carrier, at a location within the State of California, subject to the Commission's inspection, for a period of not less than three years from the date of issue.

Charge, Decision No. 73050

EFFECTIVE OCTOBER 14, 1967

Issued by the Public Utilities Commission of the State of California,  
San Francisco, California.

Correction No. 1871