

Decision No. 74753

ORIGINAL

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. 88)
(Filed August 26, 1968)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 74749, entered today in Case No. 5432, et al., the Commission found, among other things, that its minimum rate tariffs should be amended by deleting therefrom reference to city carriers and the City Carriers' Act. The decision also provided that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 6-A should be amended by a separate order in this proceeding.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 6-A (Appendix A to Decision No. 67154, as amended) is hereby further amended by incorporating therein to become effective November 13, 1968, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix are made a part hereof.

2. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and shall be made effective November 13, 1968, on not less than five days' notice to the

Commission and to the public. The tariff filings made pursuant to this order shall comply in all respects with the regulation governing the construction and filing of tariffs set forth in the Commission's General Order No. 80-A.

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

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

Dated at San Francisco, California, this 1st day of October, 1968.

William Synovec
President

William L. Burnett

August

Red P. Moussey
Commissioners

APPENDIX A TO DECISION NO. 74753

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

First Revised Title Page

Fourth Revised Page 6

Fourth Revised Page 7

First Revised Page 10

Second Revised Page 13

(END OF APPENDIX A LIST)

MINIMUM RATE TARIFF NO. 6-A

NAMING

MINIMUM RATES, RULES AND REGULATIONS

FOR THE

TRANSPORTATION OF

PETROLEUM AND PETROLEUM PRODUCTS

(AS DESCRIBED HEREIN)

WHEN TRANSPORTED IN BULK IN TANK TRUCKS,

TANK TRAILERS OR TANK SEMITRAILERS

OVER THE PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

PETROLEUM CONTRACT CARRIERS

**

The original tariff contains rates, rules and regulations established in Decision No. 67154 in Case No. 5436. Changes will be made by issuing revised or added pages or by issuing supplements.

** "City Carrier" eliminated, Decision No. 74753

EFFECTIVE NOVEMBER 13, 1968

(Original Tariff Effective June 1, 1964)

Correction No. 110

Issued by the

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

State Building, Civic Center

San Francisco, California 94102

| SECTION NO. 1 - RULES AND REGULATIONS | Item No. |
|---|----------|
| <p data-bbox="584 427 1025 492" style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items Nos. 10 and 11)</p> <p data-bbox="219 522 1212 587">CARRIER means a petroleum contract carrier as defined in the Highway Carriers' Act **.</p> <p data-bbox="219 646 1212 741">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="219 775 1186 1187">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="219 1221 1096 1311">DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p data-bbox="299 1344 877 1375">DISTANCE TABLE means Distance Table 6.</p> <p data-bbox="219 1409 1191 1499">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="219 1532 1232 1666">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="219 1700 1257 1859">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="219 1893 1240 1983">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="219 2017 1240 2377">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> | 10 |

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,
** Reference to "City Carriers' Act"
eliminated) Decision No. 74753

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 111

| SECTION NO. 1 - RULES AND REGULATIONS (Continued) | Item No. |
|--|----------|
| <p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Concluded) (Items Nos. 10 and 11)</p> <p>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.</p> <p>RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>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.</p> <p>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.)</p> <p>TEAM TRACK means a point at which property may be loaded into, or upon, or unloaded from rail cars by the public generally. It also includes wharves, docks and landings at which the public generally may receive and tender shipments of property from and to common carriers by vessel.</p> <p>UNLOADING TIME means that time which commences when carrier's equipment is placed in position to unload and/or spread and which terminates when carrier'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.</p> | 11 |
| <p style="text-align: center;">APPLICATION OF TARIFF - GENERAL</p> <p>∅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 trailers or tank semitrailers, 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. ** 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.</p> | 620 |

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)
** Reference to "City Carriers') Decision No. 74753
Act" eliminated)

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
San Francisco, California.
Correction No. 112

| SECTION NO. 1 - RULES AND REGULATIONS (Continued) | Item No. |
|---|----------|
| <p data-bbox="277 414 1141 448">ALTERNATIVE APPLICATION OF COMMON CARRIER RATES</p> <p data-bbox="221 484 1384 672">Common carrier rates may be applied in lieu of the rates provided in this tariff, when such common carrier rates produce a lower aggregate charge for the same transportation from the same point of origin to the same point of destination than results from the application of the rates herein provided. (See Notes 1, 2 and 3.)</p> <p data-bbox="221 705 1348 832">NOTE 1.-When the common carrier rate used is subject to a minimum weight different than the minimum weight determined in accordance with the provisions of Item No. 190, the lesser minimum weight may be observed.</p> <p data-bbox="221 865 1257 963">NOTE 2.-When the common carrier rate used is based upon a weight per gallon different than that provided in Item No. 140, such different weight shall be observed.</p> <p data-bbox="221 996 1328 1159">NOTE 3.-In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p> | 80 |
| <p data-bbox="310 1239 1125 1303">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES</p> <p data-bbox="237 1342 1306 1432">When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates for the same transportation as follows:</p> <p data-bbox="237 1470 1328 1728">(a) When point of origin is located beyond railhead or an established depot and point of destination is located at railhead or an established depot, add to the common carrier rate applying from any team track or established depot to point of destination the rate provided in this tariff for the distance from point of origin to the team track or depot from which the common carrier rate used applies. (See Notes 1, 2, 3 and 4.)</p> <p data-bbox="237 1767 1328 2024">(b) When point of origin is located at railhead or an established depot and point of destination is located beyond railhead or an established depot, add to the common carrier rate applying from point of origin to any team track or established depot the rate provided in this tariff for the distance from the team track or depot to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 3 and 4.)</p> <p data-bbox="237 2063 1232 2179">(c) When both point of origin and point of destination are located beyond railhead or an established depot, add to the common carrier rate applying between any railheads or established depots the rate provided</p> | 890 |

in this tariff for the distance from point of origin to the team track or depot from which the common carrier rate used applies, plus the rate provided in this tariff for the distance from the team track or depot to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 3 and 4.)

NOTE 1.-If the route from point of origin to the team track or the established depot, or from the team track or established depot to point of destination, is within the corporate limits of a single incorporated city, the rates provided in this tariff for transportation for distances of 5 miles or less, or rates established by the Commission for transportation within that city, whichever are the lower, shall apply from point of origin to team track or established depot or from team track or established depot to point of destination as the case may be.

NOTE 2.-When the common carrier rate used is subject to a minimum weight different than the minimum weight determined in accordance with the provisions of Item No. 190, the lesser minimum weight may be observed in connection with such common carrier rate.

NOTE 3.-When the common carrier rate used is based upon a weight per gallon different than that provided in Item No. 140, such different weight shall be observed in connection with such common carrier rate.

NOTE 4.-In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.

APPLICATION OF COMBINATIONS OF RATES PROVIDED
IN THIS TARIFF

In the event any combination of rates provided in this tariff produces a lower aggregate charge for the same transportation than is produced by a one-factor through rate, such combination of rates shall be applied.

100

Change, Decision No. **74753**

EFFECTIVE NOVEMBER 13, 1968

Issued by the Public Utilities Commission of the State of California,
Correction No. 113 San Francisco, California.

| SECTION NO. 1 - RULES AND REGULATIONS (Continued) | Item No. |
|--|--|
| <p style="text-align: center;">COLLECT ON DELIVERY (C.O.D.) SHIPMENTS (Items Nos. 130 and 131)</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> <p>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.</p> | <p style="text-align: right;">Ø130</p> |

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 described herein shall not be required of carriers while engaged as independent-contractor sub-haulers; or ** 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. 131)

ø Change)
** Reference to "city") Decision No. 74753
eliminated)

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