

Decision No. 77147

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. 97)
(Filed March 19, 1970)

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 between points in
the State of California. By this petition, California Trucking
Association seeks modification of the documentation requirements
of the tariff governing the application of the volume tender rates
named therein.

The volume tender rates apply only when, prior to the
transportation of the aforementioned commodities, the shipper re-
quests in writing that the transportation be performed under such
rates and the unit rates are prepaid. Petitioner proposes also to
permit verbal requests to be made for such rates prior to the
transportation of the property provided that the shippers shall place
the written requests in the United States mail the same day that
the verbal requests are made.

Petitioner states that the present tariff provisions re-
quire that the carrier traverse large metropolitan areas merely to
receive the written documentation and that commencement of the

transportation service is delayed as a result thereof. Applicant alleges that delays up to three days may occur in instances where physical pickup of the document is not possible.

Petitioner asserts that the proposed modification of the documentation requirements would permit the carriers to attain more efficient operations and the shippers to obtain immediate service under the rates in question. Petitioner avers that the proposed change has been the subject of public consideration by shippers and carriers and is desired by them.

Copies of the verified petition were mailed to California Manufacturers Association and various petroleum shippers and carrier representatives on or about March 19, 1970. Humble Oil and Refining Company has informed the Commission by letter that it supports petitioner's proposal. No objection to the granting of the petition has been received.

The Transportation Division staff has reviewed the petition and recommends that it be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes 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 hereby further amended by incorporating therein to become effective June 6, 1970, Seventh Revised Page 37, Tenth Revised Page 38, Seventh Revised Page 38-A and Fourth Revised Page 40 attached hereto and by this reference made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 67154, as amended, are hereby authorized to establish in their tariffs the provisions necessary to conform with the further adjustments ordered herein.

3. Tariff publications authorized 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 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.

4. Common carriers, in establishing and maintaining the tariff provisions 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 tariff provisions published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

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

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

Dated at San Francisco, California, this 28th day of April, 1970.

William L. ...
President

...

...

...
Commissioners

SECTION 4--VEHICLE UNIT RATES

ITEM

DAILY VEHICLE UNIT VOLUME TENDER RATES

The rates in this item will apply for the transportation of all commodities except Asphalt and Road Oils, and those commodities requiring pressurized equipment, as described in Item 30, from any origin points to points of destination located within 250 miles of the first point of origin when performed subject to and in accordance with the provisions of Items 520 and 521.

The provisions of this item apply only when, prior to the transportation of the property, the shipper has requested *verbally or in writing that the transportation be performed under the provisions of this item and when the rate per unit of carrier's equipment is prepaid, *providing that if requested verbally the shipper shall place a confirming written request in the United States mail the same day as verbally requested. (for form of agreement, see Item 530.)

RATES
 (Vehicle Unit Rates)

Per Day

The basic charge per equipment unit shall be (see Note 1) ----- \$30.00

PLUS

an additional charge of \$6.40 per hour (see Notes 2 and 3) or \$.30 per mile, whichever produces the higher total charge, for all time that a driver or drivers are assigned to operate the vehicle.

PLUS

an additional charge per mile of:

First 50 miles	-----	\$.25
Next 100 miles	-----	\$.22½
Over 150 miles	-----	\$.20

NOTE 1.--No allowance shall be made to the shipper for any nonproductive or lost time except that if the unit of equipment is inoperable for a period exceeding four hours in any day awaiting replacement or repair, the calendar period shall be extended for any such time exceeding four hours.

NOTE 2.--In the event that a driver is unable to complete a shipment because of an excess of hours of service and must layover en route as required by law, a charge of \$5.40 per hour, minimum 8 hours, will be assessed in addition to all other time that a driver or drivers are assigned to operate the vehicle.

NOTE 3.--Subject to a minimum charge based on 20 hours for each engagement that a driver or drivers are assigned to operate the vehicle.

6500

6 Change)
 * Addition) Decision No. 77147

EFFECTIVE

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
 SAN FRANCISCO, CALIFORNIA.

Correction 145

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM																																																									
<p>INCENTIVE UNIT VOLUME TENDER RATES (Continued) (Items 510 and 511)</p> <p>The rates in this item will apply for the transportation of all commodities as described in Item 30 between any points located within 250 miles of first point of origin when performed subject to and in accordance with the provisions of Items 520 and 521.</p> <p>The provisions of this item apply only when, prior to the transportation of the property, the shipper has requested *verbally or in writing that the transportation be performed under the provisions of this item and that charges are to be prepaid and has elected either a seven consecutive days, monthly or yearly tender. *In the event request is made verbally, the shipper shall place a confirming written request in the United States mail the same day that the verbal request is made. (For form of agreement, see Item 530.)</p> <p style="text-align: center;">RATES (Vehicle Unit Rates)</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="text-align: center; border-bottom: 1px solid black;">Per 7 Consecutive Days</th> <th style="text-align: center; border-bottom: 1px solid black;">Per Month</th> <th style="text-align: center; border-bottom: 1px solid black;">Per Month on Yearly Tender</th> </tr> </thead> <tbody> <tr> <td>The basic charge per equipment unit shall be (see Note 1 in Item 511):</td> <td></td> <td></td> <td></td> </tr> <tr> <td>(A) -----</td> <td></td> <td style="text-align: right;">\$550.00</td> <td style="text-align: right;">(2) \$550.00</td> </tr> <tr> <td>(B) -----</td> <td></td> <td style="text-align: right;">\$715.00</td> <td style="text-align: right;">(3) \$715.00</td> </tr> <tr> <td>(C) -----</td> <td style="text-align: right;">\$170.00</td> <td></td> <td></td> </tr> <tr> <td colspan="4" style="text-align: center;">PLUS</td> </tr> <tr> <td>an additional charge (SEE EXCEPTION) computed on the period of tender elected -----</td> <td style="text-align: right;">\$ 6.25</td> <td style="text-align: right;">\$ 6.25</td> <td style="text-align: right;">\$ 6.00</td> </tr> <tr> <td>per hour (see Notes 2 and 3 in Item 511) or \$.23½ per mile, whichever produces the higher total charge, for all time that a driver or drivers are assigned to operate the vehicle.</td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="4">EXCEPTION.--Will not apply to any period of time for which charges are made under the provisions of paragraph 5, Item 520.</td> </tr> <tr> <td colspan="4" style="text-align: center;">PLUS</td> </tr> <tr> <td>an additional charge per mile per unit per month, or per seven consecutive days whichever tender is applicable, as follows: (see paragraph 13 in Item 521)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>(1) First 5,000 miles -----</td> <td></td> <td style="text-align: right;">\$.20</td> <td></td> </tr> <tr> <td>Next 5,000 miles -----</td> <td></td> <td style="text-align: right;">\$.15</td> <td></td> </tr> <tr> <td>Over 10,000 miles -----</td> <td></td> <td style="text-align: right;">\$.13</td> <td></td> </tr> </tbody> </table>			Per 7 Consecutive Days	Per Month	Per Month on Yearly Tender	The basic charge per equipment unit shall be (see Note 1 in Item 511):				(A) -----		\$550.00	(2) \$550.00	(B) -----		\$715.00	(3) \$715.00	(C) -----	\$170.00			PLUS				an additional charge (SEE EXCEPTION) computed on the period of tender elected -----	\$ 6.25	\$ 6.25	\$ 6.00	per hour (see Notes 2 and 3 in Item 511) or \$.23½ per mile, whichever produces the higher total charge, for all time that a driver or drivers are assigned to operate the vehicle.				EXCEPTION.--Will not apply to any period of time for which charges are made under the provisions of paragraph 5, Item 520.				PLUS				an additional charge per mile per unit per month, or per seven consecutive days whichever tender is applicable, as follows: (see paragraph 13 in Item 521)				(1) First 5,000 miles -----		\$.20		Next 5,000 miles -----		\$.15		Over 10,000 miles -----		\$.13		<p>(4) 510</p>
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SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p style="text-align: center;">INCENTIVE UNIT VOLUME TENDER RATES (Concluded) (Items 510 and 511)</p> <p>(A) Applies to all commodities except those moving in pressurized equipment and shipments of Asphalt and Road Oil.</p> <p>(B) Applies only to commodities moving in pressurized equipment, or to shipments of Asphalt and Road Oil (subject to Note 4 in Item 511).</p> <p>(C) Applies only to shipments of Asphalt and Road Oil (subject to Note 4 in Item 511).</p> <p>(1) Subject to a minimum charge of \$1,000.00 per unit per month when applies in connection with rates per month or rates per month on yearly tender.</p> <p>(2) Charges under yearly tender shall be assessed on a monthly basis, but shall not exceed \$5,500.00 per year.</p> <p>(3) Charges under yearly tender shall be assessed on a monthly basis, but shall not exceed \$7,150.00 per year.</p> <p>NOTE 1.--No allowance shall be made to the shipper for any nonproductive or lost time except that if the unit of equipment is inoperable for a period exceeding four hours in any day awaiting replacement or repair, the calendar period shall be extended for any such time exceeding four hours.</p> <p>NOTE 2.--In the event that a driver is unable to complete a shipment because of an excess of hours of service and must layover en route as required by law, a charge of \$6.25 per hour on other than yearly tenders, or \$6.00 per hour on yearly tenders, minimum 8 hours, will be assessed in addition to all other time that a driver or drivers are assigned to operate the vehicle.</p> <p>NOTE 3.--Subject to a minimum charge based on 20 hours for each day that a driver or drivers are assigned to operate the vehicle.</p> <p>NOTE 4.--Rates subject to this note will not apply to shipments requiring spreading service or requiring delivery to mobile road mixers.</p>	<p>(4) 511</p>
<p>(4) Certain provision transferred from Ninth Revised Page 38, Decision No. 77147</p>	
<p>EFFECTIVE</p>	
<p>Correction 147</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 4--VEHICLE UNIT RATES (Concluded)

ITEM

WRITTEN AGREEMENT

Prior to the transportation of all commodities as described in Item 30 under the provisions of Items 500, 510, 511, 520 and 521, the shipper must enter into a written or verbal agreement with the carrier. The agreement shall 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:

Date-----

In accordance with the provisions of Items 500, 510, 511, 520 and 521 of Minimum Rate Tariff 6-A, I hereby request to have Petroleum and Petroleum Products as described in Item 30 of said tariff, transported by-----

 (Name of Carrier)

under the rates, charges and provisions of Items 500, 510, 511, 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----- (to be prepaid)
 Additional charge per hour-----
 Additional charge per mile-----
 Excess charge per hour-----
 Excess charge per mile-----
 Charge for additional service-----

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 prorated at the former rates and the remaining days in the week or month will be prorated at the new rates.

Shipper----- By-----
 (Name in full) (Name in full)

Address-----

Confirmed:

Carrier----- By-----
 Address----- (Name in full)

§530

Change)
 * Addition) Decision No. 77147

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 SAN FRANCISCO, CALIFORNIA.

Correction 148