

ORIGINAL

Decision No. 77499

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 cement and)
related products (commodities for)
which rates are provided in Minimum)
Rate Tariff No. 10).

Case No. 5440
Order Setting Hearing No. 65
(Filed November 12, 1969)

OPINION AND ORDER

Decision No. 77493, entered today in Case No. 5432 (Order Setting Hearing No. 564) et al., established revised tariff provisions governing split pickup and split delivery shipments, including the alternative use of common carrier rates, in Minimum Rate Tariff No. 2 and found that comparable amendments should also be made in the like provisions of Minimum Rate Tariff No. 10. The decision also provided that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 10 should be amended by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 10 (Appendix A to Decision No. 44633, as amended) is further amended by incorporating therein, to become effective August 22, 1970, the revised pages attached hereto and made a part hereof by this reference, said pages being specifically identified as:

Second Revised Page 9-A
Original Page 9-AA

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 44633, as amended, are hereby directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered herein.

3. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff No. 10 are authorized to increase such rates by the same amounts authorized for Minimum Rate Tariff No. 10 rates herein.

4. Common carriers maintaining rates on the same level as Minimum Rate Tariff No. 10 rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff No. 10 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 10 rates herein.

5. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff No. 10 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 10 rates herein.

6. 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 may be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and such tariff publications shall be made effective not later than August 22, 1970; 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 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.

7. Common carriers, in establishing and maintaining the rates 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 rates 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. 44633, 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 14th day of JULY, 1970.

Chairman

William J. ...

[Signature]

Vernon L. Sturgeon
Commissioners

Commissioner J. P. Vakasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (Items 160 and 161)</p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with common carrier rates, except rates of coastwise common carriers by vessel, for the same transportation as follows:</p> <p>(a) When point of origin is located beyond railhead and point of destination is located at railhead, add to the common carrier rate applying from any (1) team track, (2) established depot, or (3) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to point of destination the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from point of origin to any such team track, established depot, or private railhead from which the common carrier rate applies. (See Notes 1, 2, 3 and 4)</p> <p>(b) When point of origin is located at railhead and point of destination is located beyond railhead, add to the common carrier rate applying from point of origin to any (1) team track, (2) established depot, or (3) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from any such team track, established depot, or private railhead to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 3 and 4)</p> <p>(c) When both point of origin and point of destination are located beyond railhead, add to the common carrier rate applying between any (1) team tracks, (2) established depots or (3) private railheads which are owned or leased by the party who contracts with the carrier for the performance of the transportation service, the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from point of origin to any such team track, established depot or private railhead, from which the common carrier rate used applies, plus the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from any (1) team track, (2) established depot or (3) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 3 and 4)</p> <p>(d) When both point of origin and point of destination are located at railhead and a combination of common carrier rates and rates provided in this tariff results in lower aggregate charges, add to the common carrier rate applying between any (1) team tracks, (2) established depots, or (3) private railheads which are owned or leased by the party who contracts with the carrier for the performance of the transportation service, the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from point of origin to any such team track, established depot, or private railhead, from which the common carrier rate used applies, plus the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from any (1) team track, (2) established depot, or (3) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to which the common carrier rate used applies to point of destination. (See Notes 1, 2, 3 and 4)</p> <p style="text-align: center;">(Continued in Item 161)</p>	<p>160</p>
<p>Change, Decision No. 77499</p>	
<p>EFFECTIVE</p>	
<p>Correction 135</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES (Concluded) (Items 160 and 161)</p> <p>NOTE 1.--If the route from point of origin to the railhead, or from the railhead 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 3 miles or less shall apply from point of origin to the railhead or from the railhead to point of destination as the case may be. (See Exception)</p> <p>EXCEPTION.--If the route is between Metropolitan Zones, as described in the Distance Table, the provisions of Note 1 do not apply.</p> <p>NOTE 2.--When a rail carload rate is subject to varying minimum weights, dependent upon the size of the car ordered or used, the lowest minimum weight obtainable under such minimum weight provisions may be used in applying the basis provided in this item. When a rail carload rate is subject to a minimum weight based solely upon the marked capacity of the car ordered or used, a minimum weight of 100,000 pounds shall be used.</p> <p>NOTE 3.--Common carrier rates may be applied for the transportation of bulk cement in combination with rates provided in this tariff only when bulk cement transfer facilities are available in operating condition for public use, or within the control of consignor or consignee, and are available for transfer of cement from or to motor vehicles, as the circumstances require, at the transfer point from which or to which the common carrier rates apply.</p> <p>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.</p>	*161
<p>(1) Provisions transferred from First Revised Page 9-A.</p>	
<p>* Addition, Decision No. 77499</p>	
EFFECTIVE	
Correction 136	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.