

ORIGINAL

Decision No. 77633

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 property in)
Los Angeles and Orange Counties)
(transportation for which rates are)
provided in Minimum Rate Tariff)
No. 5).

Case No. 5435
Petition for Modification
No. 135
(Filed October 31, 1969)

OPINION AND ORDER

Decision No. 77632, entered today in Case No. 5432 (Petition for Modification No. 561) et al., established revised provisions governing the transportation of dangerous articles (hazardous materials) in Minimum Rate Tariff No. 2 and found that comparable amendments should also be made in the like provisions of Minimum Rate Tariff No. 5. The decision also provided that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff No. 5 should be amended by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff No. 5 (Appendix A to Decision No. 32504, as amended) is further amended by incorporating therein, to become effective September 26, 1970, the revised pages attached hereto and listed in Appendix A, also attached hereto, which pages and appendix by this reference are made a part hereof.

2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 32504, 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. 5 are authorized to increase such rates by the same amounts authorized for Minimum Rate Tariff No. 5 rates herein.

4. Common carriers maintaining rates on the same level as Minimum Rate Tariff No. 5 rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff No. 5 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 5 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. 5 are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff No. 5 rates herein.

6. Tariff publications required or 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, on not less than ten days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than September 26, 1970; and as to tariff publications which are authorized but not required, the authority herein granted shall expire unless exercised within sixty days after the effective date hereof.

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. 32504, 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 18th day of AUGUST, 1970.

J. B. ...
Chairman
August
William ...
...
Yeman L. Sturgeon
Commissioners

C. 5435 (Pet. 135) - se

APPENDIX A TO DECISION NO. 77633

LIST OF ORIGINAL AND REVISED PAGES TO MINIMUM RATE TARIFF 5:

AUTHORIZED BY SAID DECISION

EIGHTH REVISED TITLE PAGE

THIRTEENTH REVISED PAGE 2

EIGHTH REVISED PAGE 14

FIFTH REVISED PAGE 15-A

THIRTEENTH REVISED PAGE 16-A

ORIGINAL PAGE 16-B

FIRST REVISED PAGE 20-A

THIRTEENTH REVISED PAGE 21

SEVENTH REVISED PAGE 37

(END OF APPENDIX A LIST)

MINIMUM RATE TARIFF 5

(FORMERLY CITY CARRIERS' TARIFF NO. 4--
HIGHWAY CARRIERS' TARIFF NO. 5)

NAMING

MINIMUM RATES, RULES AND REGULATIONS
OF GENERAL APPLICATION

FOR THE

TRANSPORTATION OF PROPERTY OVER THE
PUBLIC HIGHWAYS WITHIN

DEFINED TERRITORY IN LOS ANGELES COUNTY

AND

MINIMUM VEHICLE UNIT RATES, RULES AND REGULATIONS

APPLICABLE UNDER SPECIFIED CONDITIONS

FOR

TRANSPORTATION WITHIN LOS ANGELES AND ORANGE COUNTIES

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

CEMENT CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

IMPORTANT NOTICE

Reference in this or other tariffs to City Carriers' Tariff No. 4--Highway Carriers' Tariff No. 5 shall be construed as referring to Minimum Rate Tariff 5.

The tariff contains rates, rules and regulations established by Decision No. 32504, as amended, in Case No. 4121. Changes contained in subsequent orders will be made by reissuing the pages on which the changes occur or by issuing supplements showing the corrected items.

*This tariff is governed by the publications described in Item 50 to the extent shown herein.

* Addition, Decision No.

77633

Correction 641

EFFECTIVE

(Original Tariff Effective January 1, 1940)

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
State Building, Civic Center
San Francisco, California 94102

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* Addition, Decision No. **77633**

EFFECTIVE

Correction 633

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

MINIMUM RATE TARIFF 5

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>This tariff is governed to the extent shown herein by:</p> <p>(1) The Governing Classification. (2) Sections 2-A, 2-C and 2-D only of the Exception Ratings Tariff. *(3) The Dangerous Articles Tariff (California Regulations).</p> <p>Where the ratings and rules or other provisions or conditions provided in the governing publications described in paragraphs (1) and (2) hereof are in conflict with those provided in this tariff, the provisions of this tariff will apply. *Except as otherwise specifically provided in this tariff, where the provisions of the Dangerous Articles Tariff are in conflict with the provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs (1) and (2) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	50
<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier. (Component parts of split delivery shipments, as defined in Item 11, may be combined under the provisions of Item 130.)</p>	60
<p style="text-align: center;">GROSS WEIGHT</p> <p>Charges shall be assessed on the gross weight of the shipment. No allowance shall be made for the weight of containers (See Exception).</p> <p>EXCEPTION.--When palletized shipments subject to minimum weights of 20,000 pounds or more are loaded or unloaded by power-loading device, the weight of the pallets (elevating-truck pallets or platforms or lift-truck skids) shall not be used in determining the weight of the shipments nor the charges thereon. This exception applies only in connection with rates contained in this tariff and is not applicable to shipments of empty pallets. When rail rates are used under the provisions of Item 140 of this tariff, the weight of the pallets shall be included or excluded in accordance with the provisions of the governing rail tariff.</p>	70
<p style="text-align: center;">RATES BASED ON VARYING MINIMUM WEIGHTS</p> <p>When the charges accruing on a shipment based upon actual weight exceed the charges computed upon a rate based upon a greater minimum weight, the latter shall apply. For the purpose of applying this item to a mixed shipment, deficiency between actual weight of the shipment and the greater minimum weight shall be computed at the rate applicable to the lowest rated commodity in the shipment.</p>	80
<p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p>Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>	85
<p>of Change) * Addition) Decision No. 77633</p>	
<p>EFFECTIVE</p>	
<p>Correction 634</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">MIXED SHIPMENTS (Concluded) (Items 90 and 91)</p> <p>3. Intrastate and Interstate Tonnage: When property consisting of part intrastate and part interstate tonnage is received as a single shipment, the intrastate portion may be charged for at the rate which would be applicable on such portion were the entire quantity intrastate in character. In no event shall the aggregate charge on the intrastate and interstate portions be less than the charge herein provided for an intrastate shipment of the same combined quantity.</p>	91
<p style="text-align: center;">ISSUANCE OF SHIPPING DOCUMENT</p> <p>§1. A shipping document (either in individual or manifest form) shall be issued by the carrier to the shipper for each shipment received for transportation. The shipping document shall show the following information (See Exception):</p> <ul style="list-style-type: none"> (a) Name of shipper. (b) Name of consignee. (c) Point of origin. (d) Point of destination. §(e) Description of the shipment (in terms of the Governing Classification, Exception Ratings Tariff, *Dangerous Articles Tariff or as provided in this tariff). (f) Weight of the shipment (or other factor or unit of measurement upon which charges are based). (g) Rate and charge assessed. (h) Such other information as may be necessary to an accurate determination of the applicable minimum rate and charge. <p>§2. For the transportation of (1) permit shipments, (2) shipments requiring escort service, *(3) shipments which require circuitous routing, or *(4) dangerous articles, 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 required to be shown by Paragraph 1 of this item:</p> <ul style="list-style-type: none"> (a) Permit identification of all permit shipments. (See Item 10) (b) Any escort service furnished and the authority therefor. (See Item 10) *(c) Any circuitous routing and the authority therefor. *(d) Any description of dangerous articles must be in terms prescribed in the Dangerous Articles Tariff, including reference to labeling requirements. A further description not inconsistent therewith may be included. <p>3. The forms of shipping documents in Items 440 and 450 will be suitable and proper.</p> <p>4. 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.</p> <p>EXCEPTION.--The shipping document in manifest form may be issued to the shipper without all the information prescribed in Paragraph 1 of this item when supplemented by the issuance to consignees of freight bills, or delivery receipts and freight bills containing the required information not shown on said shipping document in manifest form.</p>	§95
<p>§ Change) * Addition) Decision No. 77633</p>	
EFFECTIVE	
Correction 635	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)

ITEM

CHARGES FOR ESCORT SERVICE

In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on shipments requiring escort service:

- (a) A charge of \$9.50 per hour, plus 9 cents per actual mile, shall be made for each escort vehicle and driver furnished, for the time and distance said vehicle and driver are engaged in such service. (See Notes 1 and 2)
- (b) A charge shall be made equal to the actual cost of any bridge or ferry tolls incurred for each escort car.

NOTE 1.--Service shall commence with departure of each escort vehicle from its point of dispatch and terminate with the return of each escort car to its point of dispatch, excluding off-duty hours.

NOTE 2.--Charges for fractions of an hour shall be determined in accordance with the following table:

<u>MINUTES</u>		
<u>Over</u>	<u>But Not Over</u>	
0	8	----- omit
8	23	----- shall be 1/4 hour
23	38	----- shall be 1/2 hour
38	53	----- shall be 3/4 hour
53	60	----- shall be 1 hour

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DANGEROUS ARTICLES

Dangerous Articles include those articles described in and subject to the provisions of the Dangerous Articles Tariff.

Dangerous articles must not be accepted for transportation unless at the time of or prior to the initial pickup the consignor has furnished to the carrier written information as required under the regulations of the Dangerous Articles Tariff.

To the extent hereinafter provided, the following provisions of this tariff will not apply to shipments of dangerous articles:

- 1. Items 90 and 91 (Mixed Shipments) will not apply to shipments containing one or more commodities which the Dangerous Articles Tariff prohibits being transported at the same time on a single unit of carrier's equipment.
- 2. Items 130 (Split Delivery) and 150-152 (C.O.D. Shipments) will not apply to shipments, including any component parts thereof, containing explosives (Class A, B or C) and/or any other dangerous articles which may not be left unattended in the carrier's equipment under the regulations of the Dangerous Articles Tariff.

*127

(1) Items 128 and 129 transferred from this page to Original Page 16-B.

* Addition, Decision No. **77633**

EFFECTIVE

Correction 636

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

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">CHARGES FOR PERMIT SHIPMENTS</p> <p>In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on shipments requiring transportation permits:</p> <p>(a) A charge of \$10.80 shall be made for the service of securing each permit, and</p> <p>(b) A charge shall be made equal to the fee, if any, assessed by the governmental agency for issuing each permit.</p>	128
<p style="text-align: center;">EMPTY PACKAGES OR CARRIERS, SECONDHAND</p> <p>When Empty Packages or Carriers, as described below, are offered for shipment at the rates published in this tariff:</p> <p>(a) Empty Packages or Carriers, secondhand, empty returned: The carrier must determine that such packages were moved filled and are being returned over the same carrier or carriers to consignor of the original filled packages at locations from which original filled packages were shipped or to another location;</p> <p>(b) Empty Packages or Carriers, secondhand, forwarded for return paying loads: Carrier must determine that such packages will, when filled, be moved over the same carrier or carriers to the consignor of the original empty packages at locations from which original empty packages were shipped or to another location;</p> <p>otherwise carrier will apply the ratings for secondhand packages or carriers not returned.</p>	(E) 129
<p>(E) Expires with December 31, 1970.</p> <p>(1) Items 128 and 129 transferred from Twelfth Revised Page 16-A) Decision No. 77633</p>	
EFFECTIVE	
Correction 637	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">DELAYED DELIVERY OF SHIPMENTS</p> <p>§(a) Except as otherwise provided in the Dangerous Articles Tariff, where carrier cannot effect delivery upon arrival of shipment at point of destination, a free storage period of 48 hours from the first 7:00 A.M. thereafter may be allowed. After said free storage period, storage charges shall be assessed at not less than 1½ cents per 100 pounds per day for each of the first five days and at not less than 3 cents per 100 pounds per day for the sixth and each succeeding day until such time as instructions regarding disposition of the shipment are received by the carrier. In computing time, Sundays and legal holidays shall be excluded.</p> <p>(b) Subsequent delivery of the property from point of storage shall constitute a new shipment.</p>	§170
<p style="text-align: center;">DISPOSITION OF FRACTIONS</p> <p>In computing a rate based on a percentage of another rate, the following rule shall be observed in the disposition of fractions:</p> <p>Fractions of less than ¼ or .50 of a cent, omit. Fractions of ¼ or .50 of a cent or greater, increase to next whole figure.</p>	180
<p>Change, Decision No. 77633</p>	
EFFECTIVE	
Correction 638	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM																					
EXCEPTIONS TO GOVERNING CLASSIFICATION																						
<p style="text-align: center;">RULES</p> <p>Rates in this tariff are subject to the provisions of the rules in the following items only of the Governing Classification:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 40%;">110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)</td> <td style="width: 20%;">422</td> <td style="width: 40%;">*780 (Section 2 only)</td> </tr> <tr> <td>310</td> <td>424</td> <td>845</td> </tr> <tr> <td>360 (Sections 2(c), 2(d) and 3 only)</td> <td>*520</td> <td>997 (Table A)</td> </tr> <tr> <td>420</td> <td>*540</td> <td></td> </tr> <tr> <td>421</td> <td>565</td> <td></td> </tr> <tr> <td></td> <td>595</td> <td></td> </tr> <tr> <td></td> <td>640</td> <td></td> </tr> </table>	110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)	422	*780 (Section 2 only)	310	424	845	360 (Sections 2(c), 2(d) and 3 only)	*520	997 (Table A)	420	*540		421	565			595			640		2190
110 (Sections 4(b), 7, 9, 11, 12, 13, 14, 15 and 16 only)	422	*780 (Section 2 only)																				
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420	*540																					
421	565																					
	595																					
	640																					
<p style="text-align: center;">RATINGS</p> <p>Except as otherwise provided in this section, class rates contained in Section 3 are subject to any quantity or less-truckload ratings as shown in:</p> <p>(a) The Governing Classification. (b) Sections 2-A and 2-C of the Exception Ratings Tariff.</p>	200																					
<p style="text-align: center;">ACCESSORIAL CHARGES NOT TO BE OFFSET BY TRANSPORTATION CHARGES</p> <p>Accessorial charges set forth in this tariff for accessorial services not included in the rate for actual transportation shall be assessed and collected whenever such services are performed, regardless of the level of the transportation rate assessed. Such accessorial charges may not be waived on the basis that a higher-than-minimum transportation rate serves as an offset.</p>	202																					
<p style="text-align: center;">APPLICATION OF CLASS RATES THAT ARE PERCENTAGES, MULTIPLES OR PROPORTIONS OF SPECIFIC CLASS RATINGS</p> <p>Class ratings which are based on percentages, multiples or proportions of Class 100 or other specified class ratings are not restricted in their application solely to the minimum class rates in the any-quantity weight brackets but will apply in connection with the minimum weight brackets set forth in this tariff applicable to the shipment transported. (See Note)</p> <p>NOTE.--Will not apply to ratings which are subject to Item 290.</p>	204																					
<p style="text-align: center;">PACKING REQUIREMENTS</p> <p>Except on articles described in the Governing Classification under the heading "Furniture Group" articles will not be subject to the packing requirements of the Governing Classification, but may be accepted for transportation in any container or any shipping form, providing such container or form of shipment will render the transportation of the freight reasonably safe and practicable.</p> <p>Except on articles described in the Governing Classification under the heading "Furniture Group" if two or more ratings are provided for an article in the form in which it is shipped (e.g., set up or knocked down, nested or not nested, compressed or not compressed, folded flat or not folded flat), subject to different packing requirements, the lowest of such ratings will apply.</p>	(E) 210																					
<p>(E) Expires with December 31, 1970.</p> <p>o Change) Decision No. 77633 * Addition)</p>																						
EFFECTIVE																						
Correction 639	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.																					

SECTION 5--UNIT RATES AND RULES

ITEM

RULES
 (Items 400 and 401)

6(a) Rates named in this section are subject to Items 10 and 11, Definition of Technical Terms; Items 30, 31, 32 and 33, Application of Tariff--Territorial; Items 40 and 41, Application of Tariff--Commodities; Item 85, Units of Measurement To Be Observed; Item 95, Issuance of Shipping Document; Item 126, Charges for Escort Service; *Item 127, Dangerous Articles; Item 128, Charges for Permit Shipments; Items 150, 151 and 152, Collect on Delivery (C.O.D.) Shipments; and Item 160, Collection of Charges. They are not subject to other rules provided in Section 1.

(b) Rates named in this section apply only when the property is transported by one carrier for one shipper.

(c) Prior to the transportation of the property, the shipper must enter into a written agreement with the carrier to ship at rates no lower than those provided in this section, stating specifically the class of service desired. No single agreement shall cover shipments transported over a period in excess of 31 days.

The agreement shall be in substantially the following form, and the original or a copy thereof shall be retained and preserved by the carrier, subject to the Commission's inspection, for a period of not less than three (3) years from the date of its issuance.

6400

Date -----	
In accordance with the provisions of Items 400 and 401 of Minimum Rate Tariff 5 (Appendix "A" of Decision No. 32504, as amended, in Case No. 4121), I hereby elect to have ---- (identify transaction) ---- transported by ---- (carrier) ---- from ---- (point of origin) ---- to ---- (point of destination) ---- at the rate of ---- (see note) ---- under the rates and provisions of Item No. ---- (see note) ---- of said tariff.	
Shipper ----- (name in full)	By ----- (name in full)
Confirmed: Carrier ----- (name in full)	By ----- (name in full)
NOTE.--In the event shipper and carrier agree to a basis higher than that provided by the Item, but in the same unit or units of measurement in which the minimum basis is stated, the agreed basis may be stated in place of the Item Number.	

(Continued in Item 401)

6 Change } Decision No. **77633**
 * Addition }

EFFECTIVE

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

Correction 640