

ds/ms

Decision No. 78254

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 (commodities)
for which rates are provided in)
Minimum Rate Tariff No. 6-A.)

Case No. 5436
Petition for Modification No. 104
(Filed November 18, 1970)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 78252, entered today in Case No. 5432 (Petition for Modification No. 611) et al., established revised "holiday" provisions in Minimum Rate Tariff 2 in order to reflect current statutory and labor contract provisions concerning "holidays". Said decision also found that comparable amendments should be made in Minimum Rate Tariff 6-A. The decision further stated that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff 6-A should be amended by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff 6-A (Appendix A of Decision No. 67154, as amended) is further amended by incorporating therein, to become effective February 12, 1971, Eighth Revised Page 6 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 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 6-A are authorized to increase such rates by the same amounts authorized for Minimum Rate Tariff 6-A rates herein.

4. Common carriers maintaining rates on the same level as Minimum Rate Tariff 6-A rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 6-A are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff 6-A 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 6-A are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff 6-A rates herein.

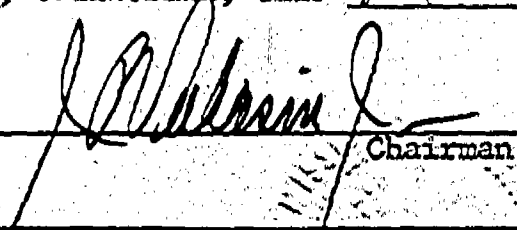
6. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than the second day after the effective date of this order on not less than two days' notice to the Commission and to the public and such tariff publications shall be made effective not later than February 12, 1971; and 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 second day after the effective date of this order, and may be made effective on not less than two 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.

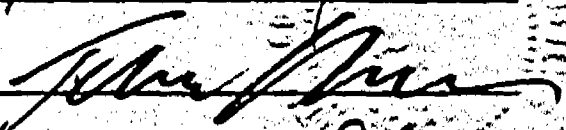
7. Common carriers, in establishing and maintaining the rates authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such 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. 67154, as amended, shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 2nd
day of FEBRUARY, 1971.



Chairman


Vernon L. Sturgeon

Commissioners

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10 and 11)</p> <p>CARRIER means a petroleum contract carrier as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any tank motor truck, tank trailer or tank semi-trailer, or any combination of such highway vehicles operated by the carrier.</p> <p>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>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table 7.</p> <p>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification A-11, Cal.P.U.C. 7, of National Motor Freight Traffic Association, Inc., Agent, including supplements thereto and reissues thereof.</p> <p>HOLIDAYS means New Year's Day (January 1), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Fourth of July, Labor Day (the first Monday in September), Thanksgiving Day, the Day after Thanksgiving, December 24 and Christmas Day (December 25). When a holiday falls on Sunday, the following Monday shall be considered as a holiday.</p> <p>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>LOADING TIME means that time which commences when carrier's equipment arrives at point of origin or at the time specified by the shipper, whichever is later, and terminates when carrier's equipment is released for departure from point of origin. Carrier shall be deemed to have arrived at point of origin when carrier's equipment has been presented for admission at consignor's premises.</p> <p>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 170 apply in addition to the rates as otherwise provided herein.</p> <p style="text-align: center;">(Continued in Item 11)</p>	<p>610</p>
<p>6 Change, Decision No. 78254</p>	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.