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Decision No. 78258

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation  
for the purpose of considering and  
determining revisions in or reissues  
of Minimum Rate Tariff No. 14-A.

Case No. 7857  
Petition for Modification No. 39  
(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 14-A. The decision further stated that, in order to avoid duplication of tariff distribution, Minimum Rate Tariff 14-A should be amended by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff 14-A (Appendix A of Decision No. 67397, as amended) is further amended by incorporating therein, to become effective February 12, 1971; Ninth Revised Page 4 and Fifth Revised Page 5 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. 67397, 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 14-A are authorized to increase such rates by the same amounts authorized for Minimum Rate Tariff 14-A rates herein.

4. Common carriers maintaining rates on the same level as Minimum Rate Tariff 14-A rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 14-A are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff 14-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 14-A are authorized to increase said rates by the same amounts authorized for Minimum Rate Tariff 14-A rates herein.

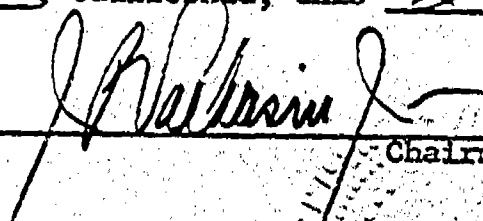
6. Tariff publications required to be made by common carriers as a result of the order herein shall be filed not earlier than the effective date of this order and may be made effective not earlier than the second day after the effective date of this order on not less than two days' notice to the Commission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

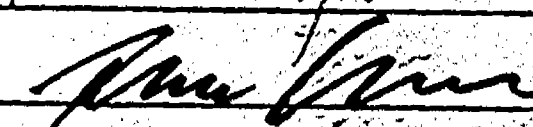
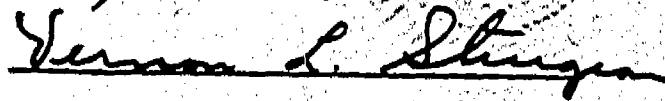
7. Common carriers, in establishing and maintaining the rates authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such 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. 67397, 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

Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS NOT DEFINED                      IN INDIVIDUAL ITEMS                      (Items 10 and 11)</p> <p>CARRIER means a radial highway common carrier or a highway contract carrier as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck, motor trailer, trailer, semitrailer, or any combination of such highway vehicles operated as a single unit.</p> <p>COMMON CARRIER RATE means:</p> <ol style="list-style-type: none"> <li>1. 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;</li> <li>2. 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;</li> <li>3. 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) (6) or 203(b) (8) of Part II of the Interstate Commerce Act.</li> </ol> <p>CONSIGNEE means the person, firm or corporation shown on the shipping document as the party to whom the property is physically delivered by the carrier.</p> <p>CONSIGNOR means the person, firm or corporation shown on the shipping document as the party who physically delivers the property to the carrier for transportation.</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>GOVERNING CLASSIFICATION means National Motor Freight Classification A-11, including supplements thereto or 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>IN BULK means not in bags, sacks, packages, or other containers, except bins, or except containers otherwise specified.</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>POINT OF DESTINATION means the location at which property is delivered to the consignee or his agent. All points within a single storage yard or structure, or within a single plant or receiving area of one consignee, shall be considered as one point of destination. A 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.</p> <p style="text-align: center;">(Continued in Item 11)</p>	<p style="text-align: right;">§10</p>
<p>(1) Definitions of Point of Origin and Power Equipment transferred to Fifth Revised Page 5.</p> <p>Change )                  * Addition ) Decision No. 78258</p>	
EFFECTIVE	
Correction	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;">DEFINITION OF TECHNICAL TERMS NOT DEFINED                      IN INDIVIDUAL ITEMS                      (Items 10 and 11)</p> <p>POINT OF ORIGIN means the location at which property is delivered by the consignor or his agent to the carrier for transportation. All locations at a single field or roadside stack, or within a single storage yard or storage structure, or within a single plant or shipping area of one consignor, shall be considered as one point of origin. A 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. The point of origin of a field pickup shipment (see Item 180) shall be the point in a single field or farm site nearest the point of destination.</p> <p>POWER EQUIPMENT means any gasoline, diesel, electric or gas-driven equipment including electric powered cranes and lift truck equipment.</p> <p>RATE includes charge and, also, the ratings, minimum weight and rules governing, and the accessorial charges applying in connection therewith.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, but not necessarily in an identical type of equipment.</p> <p>SHIPMENT means a quantity of property transported for one debtor and tendered by one consignor at one point of origin at one time for one consignee at one point of destination, for which a single shipping document has been issued.</p> <ol style="list-style-type: none"> <li>1. A shipment may be transported in two or more lots as provided in Items 140 and 141 (Multiple Lot Shipments).</li> <li>2. A shipment may be picked up from more than one point of origin as provided in Items 150 and 151 (Split Pickup) or delivered to more than one point of destination as provided in Items 160 and 161 (Split Delivery).</li> </ol> <p>TEAM TRACK means a point at which property may be loaded into or unloaded from rail cars by the public generally.</p>	<p>(1) 11</p>
<p style="text-align: center;">APPLICATION OF TARIFF--CARRIERS</p> <ol style="list-style-type: none"> <li>1. Rates provided in this tariff are minimum rates for transportation by carriers as defined in Item 10.</li> <li>2. When property in continuous through movement is transported by two or more such carriers, the rates provided herein shall be the minimum rates for the combined transportation.</li> <li>3. This tariff does not apply to transportation services performed by independent-contractor subhaulers as defined in Item 10 when such transportation is performed for other carriers defined in the Public Utilities Act. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent-contractor subhaulers are performing transportation service.</li> </ol>	<p>20</p>
<p style="text-align: center;">APPLICATION OF TARIFF--TERRITORIAL</p> <p>The rates in this tariff apply for the transportation of shipments between all points within the State of California, except shipments between the Port of Sacramento on the one hand and adjacent plants of Farmer's Rice Growers Cooperative and Rice Growers Association of California on the other hand.</p>	<p>30</p>
<p>(1) Definitions of Point of Origin and Power Equipment transferred from Eighth Revised Page 4.</p>	
<p>EFFECTIVE</p>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                      SAN FRANCISCO, CALIFORNIA.</p>