

Decision No. 80049

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 and highway )  
carriers relating to the trans- )  
portation of any and all com- )  
modities between and within all )  
points and places in the State )  
of California (including, but )  
not limited to, transportation )  
for which rates are provided )  
in Minimum Rate Tariff No. 15). )

Case No. 7783

SUPPLEMENTAL OPINION AND ORDER

Minimum Rate Tariff 15 (MRT 15) names minimum vehicle unit rates for the transportation of property between points in the State of California by highway carriers. Certain rate and technical deficiencies concerning the application of the hourly vehicle unit rates in MRT 15 were called to the Commission's attention and Decision No. 79001 was issued in this proceeding for the purpose of removing these deficiencies and clarifying the application of said hourly rates. The tariff amendment appended to this decision provided, among other things, for the inclusion of a single word, "only," in the definition of "hopper equipment." As so defined, "hopper equipment" is "equipment capable of unloading only by gravity."

Stauffer Chemical Company filed a petition seeking suspension and reconsideration of Decision No. 79001 with respect to the revision therein pertaining to the definition of "hopper equipment," claiming that the stated purpose of said revision was for clarification and not to preclude the application of hourly

rates for the transportation of property in equipment capable of both gravity and pneumatic unloading. As a result thereof, the aforementioned tariff provisions were suspended pursuant to Decision No. 79122 in this proceeding.

Having considered petitioner's allegations in this matter, the Commission finds that Decision No. 79001 would restrict rather than clarify the application of the hourly rates in question and that the current tariff provisions for the involved transportation should continue in effect. A public hearing is not necessary. The Commission concludes that Minimum Rate Tariff 15 should be amended accordingly.

IT IS ORDERED that:

1. Decision No. 79122 is hereby vacated and set aside.
2. Minimum Rate Tariff 15 (Appendix B to Decision No. 65072, as amended) is hereby further amended by incorporating therein to become effective June 17, 1972, Second Revised Page 24-B, attached hereto and by this reference made a part hereof.
3. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 65072, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustment ordered herein.
4. 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 June 17, 1972; tariff publications which are authorized but not required to be made by common carriers as a result of the

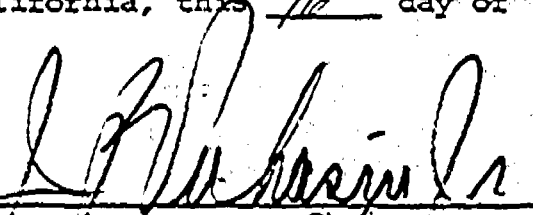

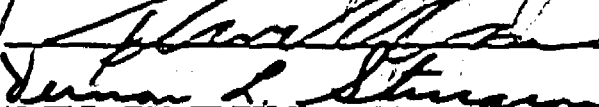

order herein may be made effective not earlier than the tenth day after the effective date of this order, and may be made effective on not less than ten days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff page incorporated in this order.

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

6. In all other respects, Decision No. 65072, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of May, 1972.

  
Chairman  
  
  
  
Commissioners

MINIMUM RATE TARIFF 15

SECTION 4-A--HOURLY VEHICLE UNIT RATES	ITEM
<p>6SPECIAL RULES APPLYING IN CONNECTION WITH          ITEMS* 452, 453, 454, 455, 456* AND 457</p> <p>Rate Basis 1 applies when Rate Bases 2, 3 or 4 are not applicable. Rates are limited to 8 hours' service out of 9 consecutive hours per day.</p> <p>Rate Basis 2 applies on Saturday and Sunday and for all hours in excess of 8 out of 9 consecutive hours on days other than those ratable under Rate Bases 3 or 4.</p> <p>Rate Basis 3 applies on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day and Employee's Birthday. Rates are limited to 8 hours service out of 9 consecutive hours per day; for all hours worked on Sunday when Sunday is 7th consecutive day worked.</p> <p>Rate Basis 4 applies for all hours in excess of 8 out of 9 consecutive hours on days ratable under Rate Basis 3 (Except on Sunday).</p>	<p>6450</p>
<p>SPECIAL DEFINITIONS AND RULES APPLYING IN CONNECTION WITH RATES          IN THIS SECTION* (See Notes 1 and 2)          *(Applies only when specific reference is made hereto)</p> <p>(1) Lineal Loading Space in feet.</p> <p>(2) Trailers or semitrailers furnished by carrier in excess of the number of vehicles or combination of vehicles operated as a single unit. Rates for semi's, except for sets of doubles, do not include dollies or converter gears. Excess trailing equipment may not be operated in combination with other units of carrier's equipment as sets of doubles unless the basic hourly rate for use of motor-power equipment together with doubles is assessed.</p> <p>(3) Doubles mean two semis and dolly, or semi and trailer, any lawful combination length.</p> <p>(4) Rates include temperature control service.</p> <p>(5) Converter gears, dollies and other auxiliary trailing equipment.</p> <p>(6) Hopper equipment is equipment capable of unloading by gravity.</p> <p>NOTE 1.--Rates apply according to the type of carrier's motor-power equipment in combination with the trailing equipment as described.</p> <p>NOTE 2.--An additional charge of 8½ cents per hour shall be made for each unit of carrier's equipment that is equipped with a power-lift gate.</p>	<p>6451</p>
<p>(1) First Revised Page 24-B was suspended by Supplement 2          (Issued August 31, 1971).</p> <p>6 Change            ) Decision No. <b>80049</b>          * Addition        )</p>	
EFFECTIVE	
<p>Correction</p> <p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,          SAN FRANCISCO, CALIFORNIA</p>	