

Decision No. 80227

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

Case No. 5436
(Petition for Modification
No. 120)
(Filed April 14, 1972)

OPINION AND ORDER

Minimum Rate Tariff 6-A names minimum rates and rules for the transportation of petroleum and petroleum products in bulk in tank vehicles by petroleum contract carriers between points in the State of California. By this petition, California Trucking Association seeks modification of various volume tender provisions and reduction of the additional charge applicable on shipments moving to and from Benicia.

Petitioner proposes: (1) not to deduct the prepayment charge, on a monthly tender in instances where a sequential monthly tender is involved but to apply such charge to the latter tender; (2) to deduct the prepayment charge on a yearly tender from the total charges accumulated during the final calendar month of such tender; (3) to clarify the application of the rules governing the volume tender rates; (4) to subject to a total charge of \$25.00 per monthly tender or calendar month on yearly tender the charge for collecting and remitting amounts collected on C.O.D. shipments; (5) to establish specific daily charges for services performed during an intervening period between the expiration date of an engagement under a monthly tender rate and the commencement date of an engagement under a yearly tender rate; and (6) to reduce the

additional charge from \$4.00 to \$3.00 per unit of carrier's equipment for services rendered on certain shipments moving to and from Benicia.¹

Petitioner avers that the proposed changes are relatively minor, basically technical in nature and primarily designed to complement and clarify present tariff provisions in the light of current transportation circumstances. Petitioner asserts that the proposed changes have been discussed by shippers and carriers and have been the subject of public docketing. Petitioner states that shippers and carriers have determined that the present prepayment provisions create unnecessary clerical costs through the handling and recording of funds each month on yearly tenders and where monthly tenders are sequential. Petitioner alleges that the changes will add certainty to tariff interpretation and provide for special circumstances which have occurred.

Copies of the petition were mailed to interested parties on or about April 14, 1972. The petition was listed on the Commission's Daily Calendar of April 17, 1972. No objection to the granting of the petition has been received.

Commission staff analysis indicates that the proposed changes would be of benefit to the shippers, result in clarification of tariff provisions and generally result in reductions in rates and charges. The staff recommends that the petition be granted by ex parte order.

In the circumstances, it appears, and the Commission finds, that petitioner's proposal is reasonable and that the resulting minimum rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

¹ Petitioner's proposal is set forth in detail in Exhibit A attached to the petition.

IT IS ORDERED that:

1. Minimum Rate Tariff 6-A (Appendix A of Decision No. 67154, as amended) is hereby further amended by incorporating therein, to become effective August 19, 1972, Fourth Revised Page 12, Eighth Revised Page 24 and Fifth Revised Page 39-A 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 amendments necessary to conform with the further adjustments ordered herein.

3. 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 19, 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 pages incorporated in this order.

4. 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.

5. In all other respects, Decision No. 67154, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 11th day of July, 1972.

President
William J. ...

William J. ...

...

...
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">COLLECTION OF CHARGES</p> <p>1. Except as otherwise provided in this item, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</p> <p>2. Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called debtors, for a period not to exceed 7 days, excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight. When the freight bill is not presented to the debtor on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill. (See Exception)</p> <p>3. Where the carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill. (See Exception)</p> <p>4. Freight bills for all transportation and accessorial charges shall be presented to the debtors within 7 calendar days from the first 12 o'clock midnight following delivery of the freight. (See Exception)</p> <p>5. Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills. (See Exception)</p> <p>6. The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p> <p>7. When the shipper has elected to use the monthly or yearly provisions of Item 510 in this tariff, carrier shall bill and collect, within seven days after the start of the transportation, a prepayment of \$3,500.00 of the charges accumulated under the provisions of Items 510, 511 and 512, as follows:</p> <p style="padding-left: 20px;">*(a) On monthly tender, such prepayment shall be deducted from the total charges accumulated during such tender, subject to the following:</p> <p style="padding-left: 40px;">(1) When the same shipper elects to use the same unit of carrier's equipment for a subsequent monthly tender beginning within 24 hours, such prepayment shall not be deducted and shall be considered the required prepayment for said subsequent tender.</p> <p style="padding-left: 20px;">*(b) On yearly tender, such prepayment shall be deducted from the total charges accumulated during the final calendar month of such tender.</p> <p>8. When alternative rail carload rates are applied under the provisions of Items 80 and 90 of this tariff, carriers may relinquish possession of freight in advance of payment thereon and extend credit in the amount of said charges to those responsible for payment for period of five days (120 hours) beginning at 12 o'clock midnight of the day delivery is accomplished.</p> <p style="padding-left: 20px;">EXCEPTION.—Not applicable in connection with alternatively applied rail carload rates assessed under the provisions of Items 80 and 90 of this tariff.</p>	§120
§ Change) * Addition) Decision No. 8C227	
EFFECTIVE	
Correction	ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.

SECTION 2--DESCRIPTIONS OF TERRITORIAL GROUPS AND CRUDE OIL GROUPS	ITEM
<p style="text-align: center;">GROUP 2--MILEAGE BASING POINT--PINOLE</p> <p>Beginning at the point where the Contra Costa-Alameda County boundary line meets San Francisco Bay, easterly along said boundary line to Eastshore Freeway (U.S. Highway 40--Interstate Highway 80), northerly and easterly on Eastshore Freeway and U.S. Highway 40--Interstate Highway 80 to State Highway 4, easterly on State Highway 4 to Solano Way, northwesterly on Solano Way and its prolongation to Suisun Bay, westerly, northerly, southerly and easterly along the shore lines of Suisun Bay, Carquinez Strait, San Pablo Bay and San Francisco Bay to point of beginning; and the facilities of Humble Oil & Refining Co. located at Benicia (see Note 1).</p> <p>NOTE 1.--Shipments moving between the facilities of Humble Oil & Refining Co. at Benicia on the one hand, and, on the other, points in California in and south of Marin, Contra Costa, San Joaquin, Calaveras, and Alpine Counties, shall be subject to an additional charge of \$3.00 per unit of carrier's equipment utilized in transporting the shipment.</p> <p style="text-align: center;">GROUP 6--MILEAGE BASING POINT (MZ 247)</p> <p>Group 6 consists of that area included within the following Metropolitan Zones as described in Section 2-A of the Distance Table: 232, 240, 241, 242, 243, 247, 248, 249, 250, 251, 252; and the plants of the Chevron Asphalt Company, located at 8707 Aviation Boulevard, Inglewood (MZ 233); the Powerine Oil Company, located at 12354 Lakeland Road, Santa Fe Springs (MZ 237); and the Gulf Oil Corporation, located at 13539 East Foster Road, Santa Fe Springs (MZ 244).</p>	\$300
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: right;"> Change Reduction </div> <div style="text-align: center;"> Decision No. 86227 </div> </div>	
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<div style="display: flex; justify-content: space-between;"> <div>Correction</div> <div>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</div> </div>	

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p style="text-align: center;">VOLUME TENDER QUALIFICATIONS (Concluded) (Applies only in connection with items making reference hereto.) (Items 520 and 521)</p> <p>8. When transportation is performed under the provisions of this item, the following rules will not apply:</p> <ul style="list-style-type: none"> Item 160--Demurrage or Detention Charges Item 170--Paragraph 2(b)--Pumping Charge Item 190--Minimum Charge Item 210--Issuance of Shipping Documents Item 220--Shipments Diverted, Stopped in Transit for Partial Loading or Unloading Item 225--Shipments Returned Item 270--Internal Cargo Tank Cleaning * Item 300--Note 1, Group 2-Mileage Basing Point-Pinole <p>9. All required tolls, ferry, special permits and weighmaster fees shall be in addition to the rates and charges otherwise applicable.</p> <p>10. A shipping document shall be issued by the carrier to the shipper for each engagement for transportation. The form of shipping document in Item 610 will be suitable and proper. A copy of each shipping document shall be retained and preserved by the issuing carrier for a period of not less than three years from the date of issuance.</p> <p>* 11. The charge for collecting and remitting amounts collected on C.O.D. shipments transported under the provisions of this item shall be \$3.00 per collection. *subject to a total charge of \$25.00 per monthly tender, or per calendar month on yearly tender.</p> <p>12. When pumping service is performed by the carrier, an additional charge of \$3.00 per hour shall be made as follows:</p> <ul style="list-style-type: none"> A. For the first two (2) hours on daily tenders; B. For the first ten (10) hours on monthly tenders; C. For the first one hundred (100) hours on yearly tenders; <p>PLUS An additional \$1.00 per hour or fraction thereof for all additional hours. Minimum charge for pumping service shall be the charge for one (1) hour.</p> <p>13. In the event that a yearly tender is terminated prior to completion, the total charges may be alternatively determined at the basis provided for monthly tenders, plus a termination charge equal to the basic charge for one month.</p> <p>14. When the total loaded miles exceed the total empty miles of the tender, an additional charge of \$.05 per mile will be made for each excess loaded mile traveled by the unit.</p> <p>* 15. In the event a monthly tender expires prior to the last day of a calendar month and shipper elects to start a yearly tender with the same unit of carrier's equipment on the first day of the succeeding month, the monthly tender shall be extended upon payment of the following charges per day:</p> <ul style="list-style-type: none"> a) Basic charge per unit of equipment, - - - - - \$28.33 b) Plus the additional charges provided in Item 511 for monthly tenders. c) Plus an additional charge per mile per unit per day of \$.15. 	<p style="text-align: center;">521</p>
<p>* Change) * Addition) Decision No. 80227</p>	
EFFECTIVE	
<p>Correction</p>	<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p>