

ORIGINAL

Decision No. 8C231

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 transpor- )  
tation of any and all commodities )  
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. Item 450 of MRT 15 provides special rules which apply to the hourly vehicle unit rates contained in the tariff. It has been brought to the Commission's attention that included among the normal holidays named in Item 450 is "employee's birthday."

A review of this matter discloses that "employee's birthday" was inadvertently included among the normal holidays specified in MRT 15, which results in the discriminatory requirement that the shipper be assessed a higher charge when the driver assigned by the carrier has a birthday on a regular day of business.

In the circumstances, the Commission finds that the necessary correction should be made by the order herein. A public hearing is not necessary. The Commission concludes that MRT 15 should be amended accordingly.

IT IS ORDERED that:

1. Minimum Rate Tariff 15 (Appendix B to Decision No. 65072, as amended) is hereby further amended by incorporating therein to become effective August 19, 1972, Third Revised Page 24-B, 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. 65072, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustment 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 page incorporated in this order.

4. Common carriers, in establishing and maintaining the change 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 change 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. 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 11<sup>th</sup> day of July, 1972.

	President
	Commissioners

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

SECTION 4-A--HOURLY VEHICLE UNIT RATES	ITEM
<p style="text-align: center;">SPECIAL 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 and Christmas Day**. 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>	450
<p style="text-align: center;">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> <ol style="list-style-type: none"> <li>(1) Lineal Loading Space in feet.</li> <li>(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 semis, 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.</li> <li>(3) Doubles mean two semis and dolly, or semi and trailer, any lawful combination length.</li> <li>(4) Rates include temperature control service.</li> <li>(5) Converter gears, dollies and other auxiliary trailing equipment.</li> <li>(6) Hopper equipment is equipment capable of unloading by gravity.</li> </ol> <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>	451
<p> <del>6</del> Change                    )  ** Eliminated        ) Decision No. </p>	86231
EFFECTIVE	
<p style="text-align: right;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA</p> <p>Correction</p>	