

ORIGINAL

Decision No. 85236

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

Case No. 5436

And Related Matters.

Case No. 6008

SUPPLEMENTAL OPINION AND ORDER

Decision No. ~~85233~~ entered today in Case No. 9811 extended the period of time from seven to fifteen days during which carriers may extend credit in Minimum Rate Tariffs 6-B and 13, and found that amendment of the tariffs should be accomplished by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff 6-B (Appendix A of Decision No. 82350, as amended) is further amended by incorporating therein, to become effective February 1, 1976, First Revised Page 12, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 13 (Appendix B of Decision No. 55584, as amended) is further amended by incorporating therein, to become effective February 1, 1976, Second Revised Page 9, 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 Decisions Nos. 82350 and 55584, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustments of said decisions ordered herein.

4. Any provisions currently maintained in common carrier tariffs which are more restrictive than those contained in Minimum Rate Tariffs 6-B and 13 are authorized to be maintained in connection with the changes authorized by Ordering Paragraph 3 hereof.


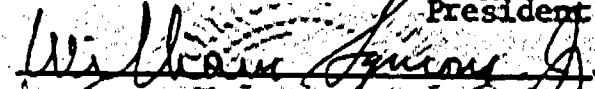



5. Tariff publications authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the fifth day after the effective date of this order, and may be made effective on not less than five days' 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.

6. Common carriers, in establishing and maintaining the changes authorized by this order, are authorized to depart from the provisions of Section 461.5 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.

7. In all other respects, Decisions Nos. 82350 and 55584, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16<sup>th</sup> day of DECEMBER, 1975.

  
President  
  
  
  
  
Commissioners

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;"><b>ALTERNATIVE APPLICATION OF COMBINATIONS WITH COMMON CARRIER RATES</b></p> <p>When lower aggregate charges result, rates provided in this tariff may be used in combination with rates of common carriers by land for the same transportation as follows:</p> <p>(a) When origin is located beyond railhead or carrier's terminal and destination is located at railhead or carrier's terminal add to the common carrier rate applying from any (1) team track, (2) carrier's terminal or (3) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to destination the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from origin to any such team track, carrier's terminal or private railhead, from which the common carrier rate used applies. (See Notes 1, 2, 3 and 4)</p> <p>(b) When origin is located at railhead or carrier's terminal and destination is located beyond railhead or carrier's terminal, add to the common carrier rate applying from origin to any (1) team track, (2) carrier's terminal or (3) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from any such team track, carrier's terminal or private railhead to which the common carrier rate used applies to destination. (See Notes 1, 2, 3 and 4)</p> <p>(c) When both origin and destination are located beyond railhead or carrier's terminal, add to the common carrier rate applying between any railhead or carrier's terminal the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from origin to any (1) team track, (2) carrier's terminal or (3) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, from which the common carrier rate used applies, plus the rate provided in this tariff, applicable to the weight of the entire shipment, for the distance from any (1) team track, (2) carrier's terminal or (3) private railhead which is owned or leased by the party who contracts with the carrier for the performance of the transportation service, to which the common carrier rate used applies to destination. (See Notes 1, 2, 3 and 4)</p> <p>NOTE 1.--If the route from origin to railhead, or from railhead to destination, is within the corporate limits of a single incorporated city, the rates provided in this tariff for transportation for distances of 5 miles or less, or rates established by the Commission for transportation within that city, whichever is the lower, shall apply from origin to railhead or from railhead to destination as the case may be.</p> <p>NOTE 2.--When the common carrier rate used is subject to a minimum weight different than the minimum weight determined in accordance with the provisions of Item 190, the lesser minimum weight may be observed in connection with such common carrier rate.</p> <p>NOTE 3.--When the common carrier rate used is based upon a weight per gallon different than that provided in Item 30, such different weight shall be observed in connection with such common carrier rate.</p> <p>NOTE 4.--In applying the provisions of this item, a rate no lower than the common carrier rate and a weight no lower than the actual weight or published minimum weight (whichever is the higher) applicable in connection with the common carrier rate shall be used.</p>	90
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ITEM	SECTION 1--RULES (Continued)
100	<p>APPLICATION OF COMBINATIONS OF RATES PROVIDED IN THIS TARIFF</p> <p>In the event any combination of rates provided in this tariff produces a lower aggregate charge for the same transportation than is produced by a one-factor through rate, such combination of rates shall be applied.</p>
5120	<p>COLLECTION OF CHARGES</p> <ol style="list-style-type: none"> <li>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.</li> <li>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 615 days, excluding Sundays and legal holidays. When the freight bill covering a shipment is presented to the debtor on or before the date of delivery, the credit period shall begin 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 begin from the first 12 o'clock midnight following the presentation of the freight bill.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>7. When the shipper has elected to use the monthly or yearly provisions of Items 510 or 520 in this tariff carrier shall bill and collect a prepayment as provided in Note 20 of Item 510 and Note 20 of Item 520.</li> </ol>
	<p>Change )          Reduction ) Decision No. 85236</p>
	EFFECTIVE
Correction	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,          SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1—RULES OF GENERAL APPLICATION (Continued)	ITEM
<p>(1) COLLECTION OF CHARGES</p> <p>(a) Except as otherwise provided in this rule, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</p> <p>(b) 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 of 615 days, excluding Saturdays, Sundays and legal 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.</p> <p>(c) Where a 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.</p> <p>(d) 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.</p> <p>(e) 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.</p> <p>(f) 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>(2) Will not apply to the transportation of property for the United States, state, county or municipal governments.</p>	<p>6130</p>
<p>o Change ) o Reduction ) Decision No. 85236</p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>