

Decision No. 85237

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 cement and related products (commo- )  
dities for which rates are provided in )  
Minimum Rate Tariff No. 10).

Case No. 5440

And Related Matters.

Cases Nos. 5604 and 7783

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 10, 12, and 15, and found that amendment of the tariffs should be accomplished by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff 10 (Appendix A of Decision No. 44633, as amended) is further amended by incorporating therein, to become effective February 1, 1976, Fourth Revised Page 8-C, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 12 (Appendix A of Decision No. 50218, as amended) is further amended by incorporating therein, to become effective February 1, 1976, Third Revised Page 14, attached hereto and by this reference made a part hereof.

3. Minimum Rate Tariff 15 (Appendix D of Decision No. 65072, as amended) is further amended by incorporating therein, to become effective February 1, 1976, Third Revised Page 10, attached hereto and by this reference made a part hereof.

4. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decisions Nos. 44633, 50218, and 65072, as amended, are authorized to establish in their tariffs the amendments necessary to conform with the further adjustments of said decisions ordered herein.

5. Any provisions currently maintained in common carrier tariffs which are more restrictive than those contained in Minimum Rate Tariffs 10, 12, and 15 are authorized to be maintained in connection with the changes authorized by Ordering Paragraph 4, hereof.


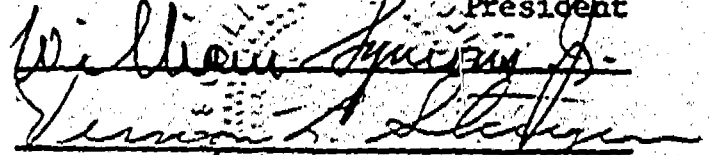
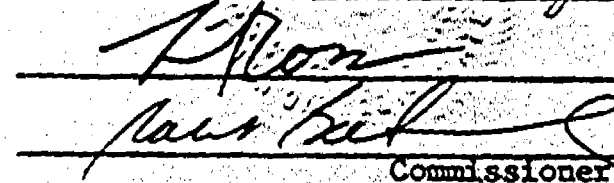
6. Tariff publications authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the fifth day after the effective date of this order, and may be made effective on not less than five days'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

7. 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.

8. In all other respects, Decisions Nos. 44633, 50218, and 65072, 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.

  
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President  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

SECTION 1--RULES (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 65 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.</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>(1) Will not apply to the transportation of property for the United States, state, county or municipal governments.</p>	<p>6145</p>
<p>§ Change ) o Reduction ) Decision No. <b>85237</b></p>	
EFFECTIVE	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;"><b>COLLECTION OF CHARGES</b></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 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.</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>	8230
<p>§ Change            ) Decision No.            <b>85237</b></p> <p>o Reduction        )</p>	
<b>EFFECTIVE</b>	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;"><b>COLLECTION OF CHARGES</b></p> <p>(a) Within 7 calendar days after the billing date, the carrier shall present a bill to the shipper which shall show the following information:</p> <ol style="list-style-type: none"> <li>(1) The transaction period.</li> <li>(2) Identification and type of each unit of carrier's equipment.</li> <li>(3) Base rate for each unit of equipment.</li> <li>(4) Rate per mile and number of miles operated.</li> <li>(5) Rate for premium pay and excess hours and number of hours, when applicable.</li> <li>(6) Rate for Saturday, Sunday or Holiday service and dates of such service, when performed.</li> <li>(7) Rate per hour for helpers and number of hours used.</li> <li>(8) Rate for Temperature Control Service, when applicable.</li> <li>(9) Additional charges and explanation of each.</li> </ol> <p>(b) The billing date referred to in paragraph (a) shall be:</p> <p style="padding-left: 40px;"><u>Yearly Rates:</u> The calendar date each month corresponding to the date when service commenced under the written agreement provided for in Items 90 and 91.</p> <p style="padding-left: 40px;"><u>Monthly Rates:</u> The 31st day after the commencement of service under the written agreement provided for in Items 90 and 91.</p> <p style="padding-left: 40px;"><u>Weekly Rates:</u> The eighth day after the commencement of service under the written agreement provided for in Items 90 and 91.</p> <p style="padding-left: 40px;"><u>Hourly Rates:</u> The fifth day after the commencement of service under the written agreement provided for in Items 90 and 91.</p> <p style="padding-left: 40px;"><u>Provided however:</u> that when the billing date determined above falls on a Saturday, Sunday or Holiday, said billing date is extended to the following day other than Saturday, Sunday or Holiday.</p> <p>(c) The form of document in Item 600 will be suitable and proper. A copy of each shipping document, freight bill, accessorial service document, weighmaster's certificate, written instructions, written agreement, written request or any other written document which supports the rates and charges assessed and which the carrier is required to issue, receive or obtain by this tariff for any transportation or accessorial service shall be retained and preserved by the carrier, at a location within the State of California, subject to the Commission's inspection, for a period of not less than three years from the date of issue.</p> <p>(d) Carriers may extend credit to shippers for a period not to exceed 60 days, excluding Sundays and Holidays, from the first 12 o'clock midnight following presentation of the freight bill.</p> <p>(e) Where a carrier has 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 shipper, 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>\$100</p>
<p> <input type="checkbox"/> Change        )  <input type="checkbox"/> Reduction    )    Decision No. </p>	<p><b>85237</b></p>
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Correction