

Decision No. 85506

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )	
for the purpose of considering )	
and determining minimum rates for )	Case No. 5436
transportation of petroleum and )	Petition for Modification No. 199
petroleum products in bulk, in )	(Filed November 12, 1975)
tank truck equipment statewide as )	(Amended November 17
provided in Minimum Rate Tariff )	and December 3, 1975)
6-B and the revisions or reissues )	
thereof. )	

OPINION AND ORDER

Minimum Rate Tariff 6-B (MRT 6-B) names minimum rates for the statewide transportation of petroleum and petroleum products in bulk in tank truck equipment by petroleum contract carriers. By this petition, as amended, California Trucking Association seeks to have established in MRT 6-B special monthly vehicle unit rates in cents per gallon per shipment on an experimental basis. These rates would apply between points in California within 250 miles of Colton, Imperial, Niland or San Diego.

Petitioner states that it has become increasingly apparent that the existing volume tender rates are not fully responsive to the requirements of all interests and may actually represent an impediment to further growth and continued use of such provisions.<sup>1</sup> Petitioner alleges that the requirements of some shippers necessitate the ability to determine, with greater exactness, the level of freight costs per gallon in advance of monthly billings. Petitioner avers that its proposal is designed

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<sup>1</sup>The current monthly vehicle unit rates are constructed by combining a vehicle unit charge with a mileage rate for the use of the carrier's equipment and an hourly rate per man and/or mileage rate for the driver assigned to such equipment.

to be reflective of current and foreseeable needs of affected interests without change in the general levels of freight charges or service flowing from existing provisions. Petitioner declares that the proposed revisions are oriented to locations having the greatest potential for utilization and the rates themselves are predicated upon such expectancies as developed from current experience and indicated need.

Petitioner asserts that the proposed tariff changes have been discussed with both interested shippers and carriers and have been the subject of public docketing. Copies of the petition and amendments were mailed to various shippers and carrier and shipper organizations on or about November 12 and 14 and December 3, 1975. The petition and amendments were listed on the Commission's Daily Calendars of November 14 and 18 and December 5, 1975. Mobil Oil Corporation has informed the Commission by letter that it supports petitioner's proposal. No objection to the granting of the petition, as amended, has been received.

In the circumstances, the Commission finds that the proposed rates are justified and will result in just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition, as amended, should be granted to the extent indicated in the ensuing order.

IT IS ORDERED that:

1. Minimum Rate Tariff 6-B (Appendix A to Decision 82350, as amended) is further amended by incorporating therein, to become effective April 1, 1976, Second Revised Page 43, First Revised Page 44, Original Page 44-A and Original Page 44-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 82350, as amended, are hereby authorized to establish in their tariffs the

amendments necessary to conform with the further adjustments ordered herein.

3. 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 tenth day after the effective date of this order 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.


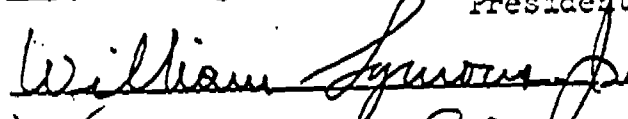



4. Common carriers, in establishing and maintaining the rates authorized by this order, are authorized to depart from the provisions of Section 461.5 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the rates 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 82350, as amended, shall remain in full force and effect.

C. 5436, Pet. 199 - ANV\*

The effective date of this order shall be twenty days  
after the date hereof.

Dated at San Francisco, California, this 22<sup>nd</sup> day  
of March, 1976.

  
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President  
  
  
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Commissioners

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p style="text-align: center;">YEARLY VEHICLE UNIT VOLUME TENDER RATES (Concluded)</p> <p>NOTE 13.--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 carrier's equipment.</p> <p>NOTE 14.--No allowance shall be made to the shipper for any nonproductive or lost time except that if the carrier's equipment is inoperable for a period exceeding four hours in any day awaiting replacement or repair, the calendar period shall be extended for any such time exceeding four hours.</p> <p>NOTE 15.--In the event that a driver is unable to complete a shipment because of an excess of hours of service and must layover enroute as required by law, a charge of \$10.70 per hour, minimum 8 hours, will be assessed in addition to all other time that a driver or drivers are assigned to operate the carrier's equipment.</p> <p>NOTE 16.--Subject to a minimum charge based upon 20 hours for each day that a driver or drivers are assigned to operate carrier's equipment.</p> <p>NOTE 17.--If at shipper's request, equipment includes bottom loading capability or pumps or meters, the following additional charges shall be assessed per month:</p> <p>Per meter-----\$50.00 (Maximum \$500.00 per year)</p> <p>Per pump-----\$20.00 (Maximum \$200.00 per year)</p> <p>Tanks with bottom loader, per compartment-----\$16.00</p> <p>Tanks with vapor recovery system, per compartment--\$ 4.00</p> <p>NOTE 18.--Rates in this item will not apply to shipments requiring spreading service or requiring delivery to mobile road mixers.</p> <p>NOTE 19.--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. (See Item 510)</p> <p>NOTE 20.--Within seven days after the start of transportation hereunder, carrier shall bill and collect a prepayment of \$4,880.00. Such prepayment shall be deducted from the total transportation charges accumulated during the final calendar month of such tender.</p> <p>NOTE 21.--Unless otherwise specifically provided, all charges under yearly tender shall be assessed on a calendar month basis.</p>	520
<p>No change on this page, Decision No. <b>85506</b></p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

## SECTION 4--VEHICLE UNIT RATES (Continued)

ITEM

SPECIAL MONTHLY VEHICLE UNIT RATES  
(Not subject to the provisions of Supplement 5)

- (1) The rates provided in this item apply only when transportation is performed to and in accordance with the provisions of this item, and apply when carrier's unit(s) of equipment is (are) used to transport commodities as described in Rate Groups A, B, C, or I of Item 30, as follows:
- (a) Between points located in California within 250 miles of the following origin(s): Colton, Imperial, Niland or San Diego.
- (2) The provisions of this item apply only when prior to the transportation of the property the consignor has requested verbally or in writing that transportation be performed under the provisions of this item and has elected a 30-day tender, and designates the first origin. In the event the request is made verbally, the consignor shall place a confirming written request in the United States mail the same day that the verbal request is made. (For form of agreement, see Item 530).
- (3) All applicable rates and charges must be paid by the consignor and shall be applied, subject to Notes 1 through 12, as follows:

MILES		Rates In Cents Per Gallon Per Shipment @			MILES		Rates In Cents Per Gallon Per Shipment @		
Over	But Not Over	Rate Group			Over	But Not Over	Rate Group		
		A	B	C			A	B	C
0	5	.26	.28	.31	100	110	1.52	1.60	1.77
5	10	.31	.33	.36	110	120	1.65	1.73	1.91
10	15	.36	.38	.42	120	130	1.77	1.85	2.05
15	20	.43	.45	.50	130	140	1.89	1.99	2.20
20	25	.47	.50	.55	140	150	2.02	2.11	2.34
25	30	.54	.56	.62	150	160	2.14	2.24	2.48
30	35	.60	.63	.70	160	170	2.26	2.37	2.63
35	40	.66	.70	.77	170	180	2.39	2.50	2.77
40	45	.73	.76	.84	180	190	2.51	2.64	2.92
45	50	.79	.83	.92	190	200	2.64	2.76	3.06
50	60	.89	.94	1.04	200	210	2.76	2.90	3.20
60	70	1.03	1.08	1.19	210	220	2.89	3.02	3.35
70	80	1.15	1.20	1.33	220	230	3.01	3.15	3.49
80	90	1.27	1.34	1.48	230	240	3.13	3.28	3.64
90	100	1.40	1.46	1.62	240	250	3.26	3.41	3.78

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@ Includes transportation of commodities described in Rate Group I.

NOTE 1.--In the application of rates provided in this item, shippers and consignees must have their premises available to carriers to permit loading and unloading in an order that will allow carrier to maintain a twenty-four (24) hour a day schedule.

NOTE 2.--As used in this item a "30-day tender" shall mean 720 consecutive hours.

(Continued on next page)

- (1) Item 530 transferred to Original Page 44-B.  
(E) Expires with March 31, 1977.

\* Addition )  
 ◇ Increase )  
 ◇ Reduction )  
 △ Change, neither increase )  
 nor reduction )

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SAN FRANCISCO, CALIFORNIA.

## SECTION 4--VEHICLE UNIT RATES (Continued)

ITEM

SPECIAL MONTHLY VEHICLE UNIT RATES (Continued)  
(Not subject to the provisions of Supplement 5)

NOTE 3.--Carrier is not obligated to assign more than one unit of carrier's equipment to haul the total gallonage tendered, such unit of carrier's equipment to contain no meters or pumps (See Note 4).

NOTE 4.--Shipments which require pumps or meters will be accepted and shall be rated under the provisions of Item 400 of this tariff. The charges of such shipments may be used to make up the minimum charge requirement of this item.

NOTE 5.--All shipments must be tendered and loaded within the 720 consecutive hour period. A shipment loaded but not delivered within the 720 hour consecutive period will be completed and charged under the provisions of this item.

NOTE 6.--Mileage applicable in connection with this item shall be computed in accordance with Item 150.

NOTE 7.--(a) A charge of \$3.70 for each one-quarter hour, or fraction thereof, shall be assessed for the time carrier's equipment is detained through no fault of the carrier to complete loading or unloading in excess of the free time specified in Paragraph (b).

(b) A total of one hour free time will be allowed to complete loading and unloading each shipment.

NOTE 8.--When transportation is performed under the provisions of this item the following provisions or rules will not apply:

- Item 160 - Demurrage or Detention Charges
- Item 190 - Minimum Charge, except when transported subject to Item 400 pursuant to provisions of Note 4.
- Item 210 - Issuance of Shipping Documents
- Item 290 - Vapor Recovery and/or Bottom Loading Equipment

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NOTE 9.--When the total empty miles (determined in accordance with Note 6) exceed the total loaded miles of the tender, an additional charge of 65 cents per mile will be made for each excess empty mile traveled by the carrier's equipment.

NOTE 10.--The minimum charges shall be assessed upon unit's carrying capacity, as follows:

Commodities (As described in Item 30) Rate Group	Minimum Gallons Per Unit of Carrier's Equipment
A	8700
B	8300
C	7500

Subject to legal carrying capacity of carrier's unit of equipment.

NOTE 11.--Rates provided in this item are subject to a minimum charge of \$5,350.00 per thirty-day tender.

NOTE 12.--Within seven days after the start of transportation hereunder, carrier shall bill and submit charges for the first week, and each seven days thereafter for the next two consecutive weeks. A final billing will be submitted at the end of the thirty-day tender.

(E) Expires with March 31, 1977.

\* Addition )  
 o Increase )  
 o Reduction ) Decision No.  
 A Change, neither increase )  
 nor reduction )

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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
SAN FRANCISCO, CALIFORNIA.

Correction

SECTION 4--VEHICLE UNIT RATES (Concluded)	ITEM
WRITTEN AGREEMENT	
<p>¶Prior to the transportation of any commodities as described in Item 30 under the provisions of Items 500, 510, 520, *or 525, the shipper must enter into a written or verbal agreement with the carrier.</p> <p>¶The agreement shall contain the following information, *which shall be pertinent to the requirements of the item under which the transportation is to be performed:</p> <ol style="list-style-type: none"> <li>(1) Name and address of carrier.</li> <li>(2) Name and address of shipper.</li> <li>(3) Date of engagement.</li> <li>(4) Calendar period of agreement.</li> <li>(5) Rates and other charges agreed upon.</li> <li>(6) Size and type of equipment to be used.</li> <li>(7) The agreement shall be in substantially the following form:</li> </ol>	
<div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: right;">Date _____</p> <p>In accordance with the provisions of Items 500, 510, 520, or 525 of Minimum Rate Tariff 6-B, I hereby request to have Petroleum and Petroleum Products as described in Item 30 of said tariff, transported by _____</p> <p style="text-align: center;">(Name of Carrier)</p> <p>under the rates, charges and provisions of Items (SPECIFY ITEM REQUESTED) of said tariff, subject to the following terms: (Indicate only those terms applicable to the individual rate item in Section 4 under which transportation is to be performed).</p> <p> Date of engagement-----  Calendar period of agreement-----  Capacity of unit of equipment-----  Identification of equipment-----  Charge per unit of equipment for calendar period-----  ----- (to be prepaid)  Additional charge per hour-----  Additional charge per mile-----  Excess charge per hour-----  Excess charge per mile-----  Charge for additional service----- </p> <p>In the event that a change is made in the minimum rates, the portion of the week or month prior to the effective date of the change will be prorated at the former rates and the remaining days in the week or month will be prorated at the new rates.</p> <div style="display: flex; justify-content: space-between;"> <div> Shipper _____                      (Name in full) </div> <div> By _____                      (Name in full) </div> </div> <div style="margin-top: 10px;"> Address _____  Confirmed:  Carrier _____  By _____                      (Name in full) </div> <div style="margin-top: 10px;"> Address _____ </div> </div>	
<p>(1) Item 530 transferred from Original Page 44.</p> <p> Change        )  * Addition    )    Decision No.    <b>85506</b> </p>	
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