

ORIGINAL

Decision No. 85677

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion for the purpose of consid-)
ering and determining minimum)
rates for transportation of)
petroleum and petroleum products)
in bulk, in tank truck equipment)
statewide as provided in Minimum)
Rate Tariff 6-B and the revi-)
sions or reissues thereof.)

Case No. 5436
Petition for Modification
No. 206
(Filed March 4, 1976)

In the Matter of the Investiga-)
tion for the purpose of consid-)
ering and determining minimum)
rates for transportation of)
uncrated new furniture statewide)
as provided in Minimum Rate)
Tariff 11-A and the revisions or)
reissues thereof.)

Case No. 5603
Petition for Modification
No. 185
(Filed March 4, 1976)

SUPPLEMENTAL OPINION AND ORDER

By Decision 85676, entered today in Case 5432, (Petition for Modification 882), et al., the Commission found that various minimum rate tariffs should be amended to reflect the adoption of National Motor Freight Classification NMF 100-C in lieu of National Motor Freight Classification NMF 100-B. The decision also provided that Minimum Rate Tariffs 6-B and 11-A should be amended by separate order to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff 6-B (Appendix A of Decision 82350, as amended) is further amended by incorporating therein to become effective April 23, 1976, Fourth Revised Page 5, Fourth Revised Page 7 and Second Revised Page 13, attached hereto and by this reference made a part hereof.

C. 5436 (Pet. 206) and C. 5603 (Pet. 185) - ANV

2. Minimum Rate Tariff 11-A (Appendix A of Decision 50114, as amended) is further amended by incorporating therein to become effective April 23, 1976, Twentieth Revised Page 4, 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 50114 and 82350, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

4. Tariff publications required to be made by common carriers as a result of the order herein shall be made effective April 23, 1976, on not less than one day's notice to the Commission and to the public and 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 April 23, 1976, and may be made effective on not less than one day's notice to the Commission and to the public if filed not later than June 23, 1976.

5. Common carriers, in establishing and maintaining the amendments authorized hereinabove, are hereby 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 amendments published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

6. In all other respects Decisions 50114 and 82350, as amended, shall remain in full force and effect.

C. 5436 (Pet. 206) and C. 5603 (Pet. 185) - ANV

This order shall become effective April 21, 1976.

Dated at San Francisco, California, this 13th day of
April, 1976.

President
William J. Agnew

Vernon L. Sturgeon

Ros

Robert R. Baker
Commissioners

Commissioner D. W. Holmes, being
necessarily absent, did not participate
in the disposition of this proceeding.

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>CARRIER means a petroleum contract carrier as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any tank motor truck or other self-propelled highway vehicle, tank trailer or tank semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>CARRIER'S TERMINAL means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>COMMON CARRIER RATE means any intrastate rate of any common carrier by land, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment.</p> <p>⌘DANGEROUS ARTICLES TARIFF means Hazardous Materials Tariff 111-B, California Public Utilities Commission 12, of American Trucking Associations, Incorporated, Agent.</p> <p>DEBTOR means the person obligated to pay the freight charges to the carrier, whether consignor, consignee or other party.</p> <p>DISTANCE TABLE means Distance Table 7 issued by the Public Utilities Commission.</p> <p>⌘GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100-C.</p> <p>HOLIDAYS mean New Year's Day (January 1), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Fourth of July, Labor Day (the first Monday in September), Thanksgiving Day, the day after Thanksgiving, December 24 and Christmas Day (December 25). When holiday falls on Sunday, the following Monday shall be considered as a holiday.</p> <p>INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p>LOADING TIME means that time which commences when carrier's equipment arrives at point of origin or at the time specified by the shipper, whichever is later, and terminates when carrier's equipment is released for departure from point of origin.</p> <p style="text-align: center;">(Continued on next page)</p>	⌘10
<p>⌘ Change, Decision No. 85677</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 1--RULES (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF TARIFF--GENERAL</p> <p>1. Rates provided in this tariff apply for the transportation of commodities described in Item 30, in bulk, between points in the State of California by petroleum contract carriers. Except as otherwise provided in individual items, rates in this tariff include the services of the driver only. Loading and unloading include connecting and disconnecting piping and other services incidental thereto except those services for which rates or charges are provided in individual items. For rates for the transportation of petroleum and petroleum products, other than as provided in this tariff, see Minimum Rate Tariff 2.</p> <p>2. Rates and rules named in this tariff shall not apply to transportation by independent-contractor subhaulers when such transportation is performed for other carriers. This exception shall not be construed to exempt from the tariff provisions carriers for whom the independent-contractor subhaulers are performing transportation service.</p> <p>3. Rates in this tariff do not apply to the transportation of:</p> <p>(a) Disaster Supplies, i.e., those commodities which are allocated to provide relief during a state of extreme emergency or state of disaster; and those commodities which are transported for a civil defense or disaster organization established and functioning in accordance with the California Disaster Act to ultimate point of storage or use prior to or during a state of disaster or state of extreme emergency.</p> <p>(b) Property of the United States or property transported under an agreement whereby the United States contracted for the carrier's services.</p> <p>(c) Property transported for a displaced person when the cost thereof is borne by a public entity as provided in Section 7262 of the Government Code.</p>	20
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>1. This tariff is governed to the extent shown herein by:</p> <p>ø(a) The Governing Classification, except that the classes and minimum weight factors have no application herein and this tariff is subject to the following rules (items) only thereof (See Note):</p> <p>110, Sections 1, 3(d), 4, 4(a), 4(b), 5, 6(a), 6(b), 6(c), 7, 7(a), 7(b), 7(c), 7(d), 8, 8(a), 8(b), 9, 10, 14, 15; 112; 381; 426; 430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b) and 13 **; 455; 520; 535; 540; 565; 580; 595; 685; 689; 765; ** 780, Section 2; 810; 845; 300100 through 300155.</p> <p>*NOTE--Freight on which prepayment is required may, on approval of the originating carrier, be forwarded on a collect basis on the guarantee of shipper that all charges will be paid. Notation must be made on shipping order and bill of lading that shipper guarantees charges.</p> <p>(b) The Dangerous Articles Tariff (California Regulations).</p> <p>(c) The Distance Table.</p> <p>2. Where the provisions or conditions provided in the governing publications described in paragraphs 1(a) and (c) hereof are in conflict with those provided in this tariff, the provisions of this tariff will apply. Except as otherwise specifically provided in this tariff, where the provisions of the Dangerous Articles Tariff are in conflict with the provisions set forth in this tariff or the otherwise governing publications referred to in paragraphs 1(a) and (c) hereof, the provisions of the Dangerous Articles Tariff will apply.</p>	ø25
<p>ø Change) * Addition) Decision No. 85677 ** Eliminated)</p>	
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<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">COLLECT ON DELIVERY (C.O.D.) SHIPMENTS</p> <p>1. (Exception to Section 9 of Item 430 of the Governing Classification). The carrier may accept executed credit card sales invoices made payable to the consignor, in which case the carrier shall not be liable for the validity nor for the value of the credit card slips.</p> <p>2. (Exception to Section 12 of Item 430 of the Governing Classification). The charge for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be \$3.00 per collection. (See Note)</p> <p>3. (Exception to Section 14 of Item 430 of the Governing Classification). Carrier will, upon written request from the consignor, change the status of a C.O.D. shipment (except as prohibited by Section 1 of Item 430 of the Governing Classification) by increasing, reducing, or cancelling the amount of the C.O.D., subject to the following provisions: (1) The request must be received by the delivering carrier in time to accomplish the change requested prior to effecting delivery of the shipment. (2) A charge of \$5.00 per shipment will be made for increasing, reducing, or cancelling the C.O.D. amount. Such charge will be in addition to the C.O.D. collection fee, if any, and must be guaranteed by the consignor in writing.</p> <p>NOTE.--Such collection will also include credit card slips accepted in accordance with provisions of Paragraph 1 herein.</p>	<p style="text-align: center;">430</p>
<p style="text-align: center;">COMPUTATION OF DISTANCES</p> <p>Distances to be used in connection with distance rates named herein shall be the shortest resulting mileage via any public highway route, computed in accordance with the method provided in the Distance Table, subject to the following exceptions:</p> <p>EXCEPTION 1.--Distances shall not be computed via the San Francisco-Oakland Bay Bridge when the petroleum products transported have a flash point of 80 degrees Fahrenheit or below (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils).</p> <p>EXCEPTION 2.--Mileages to be used in connection with distance rates named herein for shipments, other than shipments subject to Items 220 and 230, having both point of origin and point of destination within any single group described in Item 300 shall be:</p> <p>(a) Group 2--11 constructive miles</p> <p>(b) Group 6--11 constructive miles</p> <p>EXCEPTION 3.--Mileages to be used in connection with distance rates named herein for shipments within the Bakersfield Extended Area as described in the Governing Distance Table shall be 7 miles.</p> <p>EXCEPTION 4.--When the route of delivery is specified and confirmed in writing by the consignor or consignee or when a shipment is required to move via a circuitous route because of conditions imposed by a governmental agency, distances shall be computed (a) along the route specified by the consignor or consignees, or (b) along the shortest legal route available to the carrier in accordance with the method provided in the Distance Table.</p>	<p style="text-align: center;">150</p>
<p> * Change * Addition) Decision No. </p> <p style="text-align: center; font-size: 1.5em;">85677</p>	
EFFECTIVE APRIL 23, 1976	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 1--RULES	ITEM
<p align="center">DEFINITION OF TECHNICAL TERMS</p> <p>COMMISSION means the Public Utilities Commission of the State of California.</p> <p>COMMON CARRIER RATE means any intrastate rate or rates of any common carrier or common carriers, as defined in the Public Utilities Act, lawfully on file with the Commission and in effect at time of shipment.</p> <p>DISTANCE TABLE means Distance Table 7 issued by the Commission.</p> <p>ESTABLISHED DEPOT means a freight terminal owned or leased and maintained by a carrier for the receipt and delivery of shipments.</p> <p>GOVERNING CLASSIFICATION means National Motor Freight Classification NM⁷ 100-C.</p> <p>INDEPENDENT-CONTRACTOR SUBHAULER means any carrier who renders service for a principal carrier, for a specified recompense, for a specified result, under the control of the principal as to the result of the work only and not as to the means by which such result is accomplished.</p> <p>MOTOR VEHICLE means any motor truck, tractor or other self-propelled highway vehicle used for transportation of property over the public highways, and any trailer, semitrailer, dolly or other vehicle drawn thereby.</p> <p>POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee or his agent. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor or his agent into the custody of the carrier for transportation. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>RATE includes charge and, also, the ratings, minimum weight, rules and regulations governing, and the accessorial charges applying in connection therewith.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, although not necessarily in an identical type of equipment.</p> <p>SHIPMENT means a quantity of property tendered for transportation to one carrier, and delivered into the custody of the carrier at one time on one shipping document by one shipper at one point of origin for one consignee at one point of destination.</p> <p>SPLIT DELIVERY SHIPMENT means a shipment consisting of two or more component parts delivered to (a) one consignee at more than one point of destination, or (b) more than one consignee at one or more points of destination, the composite shipment weighing (or transportation charges computed upon a weight of) not less than 6,750 pounds, said shipment being shipped by one consignor from one point of origin. (See Note)</p> <p>NOTE.--All transportation charges must be prepaid and, except as provided in Item 200, charges shall be billed to and collected from only one debtor.</p> <p>UNCRATED NEW FURNITURE means new "Furniture" as described under the heading "Furniture Group" in the Governing Classification, and lamp shades or reflectors and lamp standards or electric lamps and shades combined when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped).</p> <p>UNIT OF EQUIPMENT means a single motor vehicle or more than one motor vehicle connected as a single highway train.</p>	<p align="center">§10</p>
<p>Change, Decision No. 85677</p>	
EFFECTIVE	
<p align="center">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	