

ORIGINAL

Decision No. 85678

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 )  
 general commodities within San )  
 Diego County as provided in )  
 Minimum Rate Tariff 9-B and the )  
 revisions or reissues thereof. )

Case No. 5439  
 Petition for Modification  
 No. 267  
 (Filed March 4, 1976)

In the Matter of the Investiga- )  
 tion for the purpose of consid- )  
 ering and determining minimum )  
 vehicle unit rates for transpor- )  
 tation of general commodities )  
 statewide as provided in Minimum )  
 Rate Tariff 15 and the revisions )  
 or reissues thereof. )

Case No. 7783  
 Petition for Modification  
 No. 134  
 (Filed March 4, 1976)

In the Matter of the Investiga- )  
 tion for the purpose of consid- )  
 ering and determining minimum )  
 rates for transportation, in )  
 bulk, of agricultural products )  
 and related articles statewide )  
 as provided in Minimum Rate )  
 Tariff 14-A and the revisions or )  
 reissues thereof. )

Case No. 7857  
 Petition for Modification  
 No. 135  
 (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 9-B, 14-A and 15 should be amended by separate order to avoid duplication of tariff distribution.

IT IS ORDERED that:

1. Minimum Rate Tariff 9-B (Appendix A of Decision 67766, as amended) is further amended by incorporating therein to become effective April 23, 1976, Twenty-first Revised Page 7 and Twenty-fifth Revised Page 18 and Seventh Revised Page 26, attached hereto and by this reference made a part hereof.
2. Minimum Rate Tariff 14-A (Appendix A of Decision 67397, as amended) is further amended by incorporating therein to become effective April 23, 1976, Sixteenth Revised Page 4, attached hereto and by this reference made a part hereof.
3. Minimum Rate Tariff 15 (Appendix D of Decision 65072, as amended) is further amended by incorporating therein to become effective April 23, 1976, Sixteenth Revised Page 4, 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 65072, 67397 and 67766, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.
5. 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.
6. 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.

7. In all other respects Decisions 65072, 67397 and 67766, as amended, shall remain in full force and effect.

This order shall become effective April 21, 1976.

Dated at San Francisco, California, this 13<sup>th</sup> day of April, 1976.

\_\_\_\_\_  
President  
*William J. Brown*  
\_\_\_\_\_  
*Vernon J. Sturgeon*  
\_\_\_\_\_  
*Don*  
\_\_\_\_\_  
*Rand Bateman*  
Commissioners

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

SECTION 1--RULES AND REGULATIONS	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10 and 11)</p> <p>ARMORED CAR means any motor truck and/or other highway vehicle which has been armored with bullet resistant metal and/or bullet proof glass, and which is manned by an armed crew.</p> <p>CARRIER means a radial highway common carrier, a highway contract carrier, a dump truck carrier or a cement contract carrier, as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles, operated by the carrier.</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>DANGEROUS ARTICLES means articles described in the Dangerous Articles Tariff.</p> <p>§DANGEROUS ARTICLES TARIFF means Hazardous Materials Tariff 111-B, Cal.P.U.C. 12, of American Trucking Associations, Inc., Agent and supplements thereto or reissues thereof.</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 Cal.P.U.C.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any governmental agency to accompany a shipment for highway safety.</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>EXCEPTION RATINGS TARIFF means Exception Ratings Tariff 1 issued by the Cal.P.U.C.</p> <p>§GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100-C.</p> <p>HOLIDAYS means 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 a 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>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.</p> <p style="text-align: center;">(Continued in Item 11)</p>	§10
<p>§ Change, Decision No. <span style="float: right;">85678</span></p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 1--RULES AND REGULATIONS (Continued)	ITEM
<p>APPLICATION OF CLASS RATES THAT ARE PERCENTAGES, MULTIPLES OR PROPORTIONS OF SPECIFIC CLASS RATINGS</p> <p>Class ratings which are based on percentages, multiples or proportions of Class 100 or other specified class ratings are not restricted in their application solely to the minimum class rates in the any quantity weight brackets but will apply in connection with the minimum weight brackets set forth in this tariff applicable to the shipment transported.</p>	70
<p>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 this tariff is subject to the following rules (items) only thereof (See Notes 1 and 2):</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, 11(a), 11(b), 11(c), 12, 12(a), 12(b), 12(c), 12(d), 12(e), 12(f), 13(a), 13(b), 13(c), 14, 15, 15(a), 15(b), 15(c), 15(d), 15(e), 16, *17 and 18;</p> <p>112; 200; 205; 210; 215; 220; 222; *222-1; *222-2; *222-3; *222-4; *222-5; *222-6; 225; 230; 235; 240; 245; 250; 255; *256; 257; *258; 260; 265; 270; 275; 280; 285; 291; 292; 294; 296; 297; 300; 310;</p> <p>360; Sections 1, 1(a), 1(b), 1(e), 1(f), 1(g), 1(h), 2, 2(a), 2(c), 2(d), 3 and 5;</p> <p>365; 301; 420; Sections 1, 2, 4 and 5; 421; 422; 423; 424; 426; 428;</p> <p>430, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(a), 11(b) and 13 **;</p> <p>455; 520; 535; 540; 565; 580; 595; 640; 645; 680; 685; 687; 689; 765; **</p> <p>780, Section 2; 845; 995; 997 (Section 2 only).</p> <p>Note 1.--The provisions of Item 55890, Sub 2 of the Governing Classification shall be subject to a Minimum Weight of 12,000 pounds on California Intrastate Traffic.</p> <p>Note 2.--Where dual provisions are set forth in Items 360, 580, and the Uniform Order Bill of Lading and the Uniform Through Export Bill of Lading-Order Bill of Lading of the Governing Classification, only those provisions of said items preceded with the reference (P1), (P2), (P3), or (P5), will apply on California intrastate traffic. The explanations of such references are not, however, applicable to California intrastate traffic.</p> <p>(b) Sections 2-C and 2-D only of the Exception Ratings Tariff.</p> <p>(c) The Dangerous Articles Tariff (California Regulations).</p> <p>(d) The Distance Table (territorial descriptions only - see Item 30 herein).</p> <p>2. Where the ratings and rules or other provisions or conditions provided in the governing publications described in paragraphs 1(a), (b) and (d) are in conflict with those provided in this tariff, the provisions of this tariff will apply.</p> <p>3. 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), (b) and (d), the provisions of the Dangerous Articles Tariff will apply.</p> <p>4. Except as otherwise provided in this tariff, shipments subject to truckload ratings lower than Class 50 will be subject to rates provided for Class 50.</p>	ø80
<p>ø Change )          * Addition ) Decision No.          ** Eliminated )</p>	85678
EFFECTIVE	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,          SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 1--RULES (Continued)		ITEM
COLLECT ON DELIVERY (C.O.D.) SHIPMENTS		
ø(Exceptions to Sections 12 and 14 of Item 430 of the Governing Classification)		
The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be as follows:		
When the amount collected is	Charge for collecting and remitting will be	
Not Over \$100 -----	\$ 3.15	
Over 100 not over \$ 110 -----	3.25	
Over 110 not over 120 -----	3.50	
Over 120 not over 140 -----	3.75	
Over 140 not over 160 -----	3.90	
Over 160 not over 180 -----	4.10	
Over 180 not over 200 -----	4.35	
Over 200 not over 250 -----	4.70	
Over 250 not over 300 -----	5.30	
Over 300 not over 350 -----	5.45	
Over 350 not over 400 -----	5.80	
Over 400 not over 450 -----	6.35	
Over 450 not over 500 -----	6.90	
Over 500 not over 550 -----	7.45	
Over 550 not over 600 -----	8.00	
Over 600 not over 650 -----	8.55	
Over 650 not over 700 -----	9.10	
Over 700 not over 750 -----	9.65	
Over 750 not over 800 -----	10.20	
Over 800 not over 850 -----	10.75	
Over 850 not over 900 -----	11.30	
Over 900 not over 950 -----	11.80	
Over 950 not over 1,000 -----	12.35	
Over \$1,000 at rate of \$12.35 per \$1,000		
*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.		
ø Change ) * Addition ) Decision No.		85678
EFFECTIVE APRIL 23, 1976		
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS NOT DEFINED IN INDIVIDUAL ITEMS</p> <p style="text-align: center;">(Items 10 and 11)</p> <p>CARRIER means a radial highway common carrier or a highway contract carrier as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semitrailer, or any combination of such highway vehicles operated by the carrier.</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>CONSIGNEE means the person, firm or corporation shown on the shipping document as the party to whom the property is physically delivered by the carrier.</p> <p>CONSIGNOR means the person, firm or corporation shown on the shipping document as the party who physically delivers the property to the carrier for transportation.</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 a holiday falls on Sunday, the following Monday shall be considered as a holiday.</p> <p>IN BULK means not in bags, sacks, packages, or other containers, except bins, or except containers otherwise specified.</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>POINT OF DESTINATION means the location at which property is delivered to the consignee or his agent. All points within a single storage yard or structure, or within a single plant or receiving area of one consignee, shall be considered as one point of destination. A 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 style="text-align: center;">(Continued in Item 11)</p>	<p>10</p>
<p>Change, Decision No. <span style="float: right;">85678</span></p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS</p> <p>AIR MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</p> <p>BASE OF OPERATIONS means the single point described in the written agreement which shall be a point at which the shipper will regularly tender freight to the carrier or will regularly receive freight from the carrier.</p> <p>CARRIER means a radial highway common carrier, a highway contract carrier or a cement contract carrier as defined in the Highway Carriers' Act.</p> <p>CARRIER'S EQUIPMENT means any motor truck or other self-propelled highway vehicle, trailer, semi-trailer, or any combination of such highway vehicles, operated by the carrier.</p> <p>CHILLED TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature higher than 32 degrees Fahrenheit.</p> <p>§DANGEROUS ARTICLES TARIFF means Hazardous Materials Tariff 111-B, Cal.P.U.C. 12, of American Trucking Associations, Inc., Agent, including supplements thereto and reissues thereof.</p> <p>ESCORT SERVICE means the furnishing of pilot cars or vehicles by a carrier as may be required by any government agency to accompany a shipment for highway safety.</p> <p>FROZEN TEMPERATURE CONTROL SERVICE means the service of providing protection against heat and maintaining the commodity at a temperature of 32 degrees Fahrenheit or lower.</p> <p>§GOVERNING CLASSIFICATION means National Motor Freight Classification NMF 100-C.</p> <p>HOLIDAYS means 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 a holiday falls on a Sunday, the following Monday will be considered as a holiday.</p> <p>PERMIT SHIPMENT means a shipment which because of its width, length, height, weight or size requires special authority from a governmental agency regulating the use of highways, roads or streets for the transportation of such shipment in whole or in part.</p> <p>RATE includes charge and also rules governing and the accessorial charges applying in connection therewith.</p> <p>TEMPERATURE CONTROL SERVICE means the protection from heat by use of ice (either water or solidified carbon dioxide), by mechanical refrigeration or by release of liquefied gases.</p>	<p>§10</p>
<p>§ Change, Decision No. <span style="float: right;">85678</span></p>	
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Correction