

ORIGINAL

Decision No. 86075

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. 201
(Filed December 5, 1975)
(Amended January 21, 1976)

OPINION AND ORDER

Minimum Rate Tariff 6-B (MRT 6-B) names minimum rates and rules for the statewide transportation of petroleum products in bulk in tank truck equipment by petroleum contract carriers. By this petition, California Trucking Association seeks to amend certain provisions governing the use of the monthly and yearly vehicle unit rates by (1) providing for the assessment of charges of \$42 in lieu of \$50 per meter per month and \$17 in lieu of \$20 per pump per month when the shipper requests such equipment; (2) cancelling the maximum charges of \$500 per meter per year and \$200 per pump per year for the use of said equipment; (3) cancelling the provisions pertaining to computation of charges for excess time when carrier's equipment is operated beyond the period intended by the written agreement; and (4) requiring that the regular hourly and mileage computation provisions shall apply to the excess time that carrier's equipment is operated beyond the specified period.

Petitioner states that it has recently become apparent that certain features of the monthly and yearly vehicle unit rates create unnecessary administrative burdens for affected parties. Petitioner asserts that its proposal would simplify the application of these rates and preserve the essential concepts. Petitioner

avers that the proposed changes represent both increases and reductions but the total effect is insignificant.

Copies of the petition were mailed to various interested parties. The petition and amendment were listed on the Commission's Daily Calendars of December 9, 1975, and January 28, 1976, respectively. Standard Oil Company of California, Western Operations, Inc., has informed the Commission by letter that it supports the petition. No objection to the granting of the petition, as amended, has been received.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and justified and will result in just, reasonable and nondiscriminatory rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition, as amended, should be granted.

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 August 1, 1976, Fourth Revised Page 37, Fourth Revised Page 39, Fourth Revised Page 41 and Third Revised Page 43 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 directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.
3. Tariff publications required 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 first day after the effective date of this order, on not less than one day's notice to the Commission and to the public; such tariff publications as are required shall be made effective not

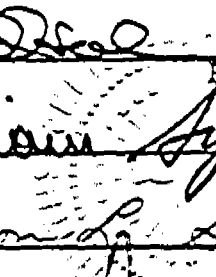
later than August 1, 1976; and tariff publications which are authorized but not required to be made by common carriers as a result of this order may be made effective not earlier than the first day after the effective date of this order, and may be made effective on not less than one day's notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

4. 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.

5. In all other respects, Decision 82350, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 7th day of July, 1976.


William J. Lyons President
Vernon L. Stangen
Leonard Hon
Robert Bateman Commissioners

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p data-bbox="398 323 1067 345">MONTHLY VEHICLE UNIT VOLUME TENDER RATES (Continued)</p> <p data-bbox="203 388 1331 635">NOTE 1.--Each engagement shall commence at time of arrival of carrier's equipment at point of origin and shall terminate at the expiration of the thirtieth consecutive day thereafter or earlier if released by the shipper within such time period, provided that the engagement shall not be deemed to be terminated until carrier's equipment is returned or charges are paid for return of carrier's equipment to the first point of origin of the engagement. *Except as provided under Note 14, upon expiration of the thirtieth consecutive day of the tender, a unit under load may be unloaded; however, no new loading of carrier's equipment will be permitted. Charges set forth in paragraphs 3(c) and 3(d) shall be assessed for time used in excess of 30 days, except that minimum charge provisions in circle reference 1 of 3(d) and Note 16 of this item, will not be applicable.</p> <p data-bbox="269 657 794 679">NOTE 2.--Month means 30 consecutive days.</p> <p data-bbox="203 701 1331 773">NOTE 3.--As used in this item, the term carrier's equipment also includes replacement units when the original carrier's equipment furnished becomes inoperable while engaged in service under provisions hereof.</p> <p data-bbox="203 794 1265 860">NOTE 4.--Mileages applicable in connection with this item shall be actual mileages and shall include all miles operated for any purpose during the period of engagement.</p> <p data-bbox="269 882 294 904">**</p> <p data-bbox="203 926 1314 969">NOTE 6.--The mileage charge will apply for all miles required to exchange drivers at other than the first point of origin.</p> <p data-bbox="203 991 1281 1100">NOTE 7.--Carrier will provide internal cargo tank cleaning if requested by the shipper during any volume tender period, subject to additional charges provided in Item 280 for the cleaning of each unit of carrier's equipment. In addition to such charges, carriers will also assess the applicable mileage and hourly charges set forth herein.</p> <p data-bbox="579 1144 885 1166">(Continued on next page)</p>	<p data-bbox="1381 733 1430 755">ø510</p>
<p data-bbox="257 1247 488 1312">ø Change) * Addition) ** Eliminated)</p> <p data-bbox="513 1268 868 1312">Decision No. 86075</p>	
EFFECTIVE	
<p data-bbox="175 1945 307 1967">Correction</p> <p data-bbox="522 1913 1414 1967">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p align="center">MONTHLY VEHICLE UNIT VOLUME TENDER RATES (Concluded)</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 \$10.80 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 charge shall be assessed per month:</p> <p>Per meter-----\$42.00 Per pump-----\$17.00 Tanks with bottom loader, per compartment-----\$16.00 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 a monthly tender expires prior to the last day of a calendar month and the shipper elects to start a yearly tender with the same unit of carrier's equipment on the first day of the succeeding month, the monthly tender shall be extended upon payment of the following charges per day:</p> <p>(a) Basic charge per unit of equipment-----\$30.00</p> <p align="center">PLUS</p> <p>(b) The additional hourly charges provided in Paragraph 3(c) of this item.</p> <p align="center">PLUS</p> <p>(c) An additional charge of 22 cents per mile, per day, per unit of carrier's equipment.</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 such tender provided, however, that if the same shipper elects to use the same unit of carrier's equipment for a subsequent monthly tender beginning within 24 hours, such prepayment shall not be deducted and shall be considered the required prepayment for said subsequent tender.</p>	<p align="center">ø510</p>
<p>ø Change) ø Reduction) Decision No. 86075</p>	
EFFECTIVE	
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Correction

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p style="text-align: center;">YEARLY VEHICLE UNIT VOLUME TENDER RATES (Continued)</p> <p>(d) An additional charge in cents per mile, as follows:</p> <p>First 5,000 miles-----27½ (1) Next 5,000 miles-----23 Over 10,000 miles-----21</p> <p>(1) Minimum charge \$1,385.00 per unit of equipment.</p> <p>NOTE 1.--Each engagement shall commence at time of arrival of carrier's equipment at point of origin and shall terminate at the expiration of the twelfth consecutive month thereafter or earlier if released by the shipper within such time period, provided that the engagement shall not be deemed to be terminated until carrier's equipment is returned or charges are paid for return of carrier's equipment to the first point of origin of the engagement. *Except as provided under Note 14, upon expiration of the twelfth consecutive month of the tender, a unit under load may be unloaded; however, no new loading of carrier's equipment will be permitted. Charges set forth in paragraphs 3(c) and 3(d) shall be assessed for time used in excess of 12 months, except that minimum charge provisions in circle reference 1 of 3(d) and Note 16 of this item, will not be applicable.</p> <p>NOTE 2.--Year means 12 consecutive months.</p> <p>NOTE 3.--As used in this item, the term carrier's equipment also includes replacement units when the original carrier's equipment furnished becomes inoperable while engaged in service under provisions hereof.</p> <p>NOTE 4.--Mileages applicable in connection with this item shall be actual mileages and shall include all miles operated for any purpose during the period of engagement.</p> <p style="text-align: center;">**</p> <p>NOTE 6.--The mileage charge will apply for all miles required to exchange drivers at other than the first point of origin.</p> <p style="text-align: center;">(Continued on next page)</p>	Ø520
<p>Ø Change) * Addition) Decision No. ** Eliminated)</p> <p style="text-align: center; font-size: 1.5em;">86075</p>	
EFFECTIVE	
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Correction

MINIMUM RATE TARIFF 5-B

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p>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-----\$42.00 **</p> <p>Per pump-----\$17.00 **</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>	<p>Ø520</p>
<p>Ø Change) Ø Reduction) Decision No. ** Eliminated)</p> <p>86075</p>	
EFFECTIVE	
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