

Decision No. 86246

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 transportation of any and all commodities statewide including, but not limited to, those rates which are provided in Minimum Rate Tariff 2 and the revisions or reissues thereof.

Case No. 5432, OSH 806
(Filed June 5, 1974)

In the Matter of the Investigation for the purpose of considering 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, OSH 217
(Filed June 5, 1974)

(Appearances are shown in Decision No. 81862
in Case No. 7024 (OSH 31) and in Appendix A.)

O P I N I O N

Decision No. 84332 dated April 15, 1975 in Case No. 7024 (OSH 31) adopted the mileages, maps, rules, and other provisions of Distance Table 8 (DT 8) as described in the findings in that decision, and stated that further hearings should be held in Case No. 5432 (OSH 806) and related proceedings to determine the amendments required in the several minimum rate tariffs governed by the distance table as a result of the changes in DT 8. That decision also found that DT 8

should supersede Distance Table 7 (DT 7) as the governing distance table to the extent and in the manner determined in those proceedings.^{1/}

Adjourned public hearings were held in Case No. 5432 (OSH 806) and in Case No. 5439 (OSH 217) before Examiner Mallory in San Francisco on December 2 and 3, 1975, February 25, and May 6 and 7, 1976. The matters were submitted on May 7, 1976.

Evidence was presented by transportation engineers and rate experts from the Commission staff and by witnesses employed in the division of transportation economics of the California Trucking Association (CTA). California Manufacturers Association (CMA), Traffic Managers Conference of California (Conference), Cannery League of California (Cannery), and representatives of other shipper groups and organizations participated in the proceeding, but presented no evidence.

Recommendations

The Commission staff recommended that DT 8 be made the governing distance table for Minimum Rate Tariff 2 (MRT 2) and that the point-to-point rates set forth in Item 510 of MRT 2 applicable between San Francisco Territory and Sacramento and North Sacramento, on the one hand, and Los Angeles Territory, on the other hand, be

^{1/} The petition for rehearing of Decision No. 84332 filed by California Trucking Association was denied by Decision No. 84572 dated June 17, 1975. That decision states that Decision No. 84332 "has in no way prejudged or limited the issues that might be raised in Case No. 5432 (OSH 806), nor will DT 8 be applied to a particular tariff until that tariff has been reviewed in that case."

based on the distance class rates applicable to the 375-400 mileage bracket instead of the present 400-425 mileage bracket. CTA presented evidence in opposition to that staff proposal. The proposal is supported by CMA and Conference. Cannery took no position on the proposal, but requested that if the proposal is adopted similar reductions be made in point-to-point commodity rates on canned goods.

The Commission staff also recommended that the zone descriptions in Minimum Rate Tariff 9-B (MRT 9-B) be revised to conform to the revised zone descriptions for similar zones in DT 8. All concurred in that proposal.

CTA moved that the proceedings in OSH 806 be dismissed or, if dismissal is not made, that (1) Item 100 of MRT 2 be amended to provide a rule governing computation of mileages over impassable routes, and (2) that the routing provisions applicable to the point-to-point class and commodity rates be canceled so that such rates will not be applicable between intermediate points (Exhibit 806-16). CTA also requested that the provisions of Transportation Division Informal Ruling 119-B be made a part of MRT 2. That informal ruling provides

that rates for split pickup and split delivery may not be determined by use of point-to-point rates.^{2/} The Commission staff opposes the proposals to add a rule governing computation of mileages over impassable routes for the reason that the Commission has declined to adopt similar rules because such rules were unworkable. The staff also opposes the cancellation of routing provisions.

2/ Informal rulings of the Transportation Division are made in the absence of formal rulings by the Commission. Informal Ruling 119-B reads as follows:

"Subject: Split Pickup and Split Delivery -
Minimum Rate Tariff No. 2

"It has been asked which of the following items of Minimum Rate Tariff No. 2 may be subject to Item No. 160 (split pickup) or Item No. 170 (split delivery): 500, 501, 502, 503, 504, 505, 506, 506.5, 507, 508, 509, 509.5, 510, 520, 620, 630, 635, 636, 654½, 690, 691, 700, 710, 720, 726, 730, 731, 740, 745, 746, and 758.

"Explanation

"Items Nos. 161 and 171 provide that the rate for the transportation of a split pickup or split delivery shipment shall be determined by the distance via the various points of origin or destination. The distance rates that may be applied to the transportation of split pickup or split delivery shipments are set forth in Items Nos. 500, 501, 502, 503, 504, 505, 506, 506.5, 507, 508, 620, 635, 636, 654½, 690, 691, 710, 731, 745, and 746 of Minimum Rate Tariff No. 2. Additionally, split pickup or split delivery may be performed under Item No. 520 as provided specifically in Exception 3 to Paragraph C of Items Nos. 161 and 171. The rates for the transportation of split pickup or split delivery shipments may not be determined by the use of the point-to-point rates named in Items Nos. 509, 509.5, 510, 630, 700, 726, 730, 740 or 758 nor the hourly rates set forth in Item No. 720."

CTA presented an alternate proposal contingent upon the adoption of the staff proposal concerning reduction in point-to-point rates. In its alternate proposal CTA asked that point-to-point rates apply only via Interstate 5, the shortest route between San Francisco and Los Angeles Territories, or alternatively cancel all point-to-point rates.

Staff Evidence

The Commission staff, at the request of CTA, introduced Exhibit 806-8, which contains highway route segments included in DT 8 which have posted weight restrictions, which involve ferry routes with weight restrictions, or which cannot be used by motor vehicles during all or parts of the business day. Exhibit 806-8 lists 22 route segments which have posted gross weight limits of 25 tons or less (the lowest is 6 tons). The exhibit includes seven ferry routes over which the standard unit used for mileage computations in DT 8 (tractor and two semitrailers) cannot be operated as a single unit. Exhibit 806-8 also lists three route segments which are closed, in whole or part, to truck traffic. CTA contends that there are several other route segments contained in DT 8 which are posted for weights less than the maximum legal gross weight permitted by law of 40 tons. However, the record contains no list of those additional route segments.

The Commission staff presented the details of a freight bill sample for 1971 contained in the Commission's Data Bank (Exhibit 806-4). That sample served as a basis for determining the revenue impact of the changes in constructive mileages in DT 8 as compared with DT 7 (Exhibits 806-3, 806-9, and 806-11). Exhibit 806-11 shows the following revenue impact, developed by rerating the Data Bank 1971 freight bill sample to reflect current rate levels:

TABLE I

DT 8 vs DT 7
Linehaul Revenue
Percentage Impact of Rate Reduction

<u>Number</u>	<u>Type of Shipments</u>	<u>DT-7 Linehaul Revenue</u>	<u>DT-8 Linehaul Revenue</u>	<u>Percentage Reduction</u>
11462	<u>Distance Class Rates</u>			
	(8163) No change	\$ 603,399	\$ 603,399	-
	(2593) Change (Excl. s/p & s/d)	241,566	236,602	2.1
	(706) Change (s/p & s/d)	193,661	191,810	1.0
1624	Point-to-Point Rate (LA Terr.-SF Terr.)	136,370	135,196	0.9 ✓
209	Commodity Rated	<u>60,533</u>	<u>60,163</u>	<u>0.6</u>
		\$1,235,529	\$1,227,170	0.7 ✓

Exhibit 806-10 shows a comparison of DT 7 and DT 8 constructive mileage distances between metropolitan zones (MZ's) in San Francisco Territory and Los Angeles Territory, and between MZ's in Sacramento and North Sacramento and Los Angeles Territory. The data in that exhibit and the testimony received in connection therewith indicate that mileage rates will produce lower charges than point-to-point rates in connection with a greater number of MZ pairs under DT 8 than DT 7. Between San Francisco and Los Angeles Territories, 770 pairs of points are now subject to point-to-point rates out of a total of 1,008 pairs of points based on DT 7 mileages. Under DT 8 only 224 MZ pairs would be subject to point-to-point rates on a level equivalent to class rates for 400-425 miles, whereas 609 MZ pairs would be subject to point-to-point rates on a level equivalent to class rates for 375-400 miles. ✓

For movements between Sacramento - North Sacramento and Los Angeles Territory, 58 out of 72 MZ pairs are now subject to point-to-point rates. Under DT 8, 48 MZ pairs would be subject to point-to-point rates equivalent to class rates for 400-425 miles, and all 72 MZ pairs would be subject to point-to-point rates equivalent to class rates for 375-400 miles. ✓

The following tabulation summarizes the foregoing comparisons:

	Total Zone Pairs	Pairs of Points Between Which Point-to-Point Rates Will be Applicable	
		<u>Distance Table 7</u>	<u>Distance Table 8</u>
		<u>400-425</u> <u>Miles</u>	<u>400/425</u> <u>Miles</u>
			<u>375/400</u> <u>Miles</u>
SF/LA			
Territories	1,008	770	224
Sacto/LA			609
Territory	<u>72</u>	<u>58</u>	<u>48</u>
	1,080	828	272
			681

Discussion - Constructive Mileages
for Restricted Route Segments

DT 8 contains several route segments which have weight or other restrictions that prevent the operation of fully loaded units of trucking equipment. The identification of the principal route segments containing such restrictions are set forth in the staff's Exhibit 806-8. It was pointed out in the proceeding leading to Decision No. 84332 (which adopted the format and contents of DT 8) that such routes were used in developing the constructive mileages in DT 8. The staff advised in the earlier proceeding that it was too difficult to eliminate such route segments in proposed DT 8 within reasonable time limits and urged that the consideration of the situation be deferred so that further staff proposals could be presented herein.

In this proceeding the staff advised that it had no ready solution to the problem of restricted route segments inasmuch as no rule could be devised which the staff believed would be workable and which would be nondiscriminatory in application. The staff recommended that no action be taken in this proceeding, and that the further consideration of routes containing weight or other restrictions be deferred until the next revision of the distance table.

CTA proposed, in the alternative, two rules for incorporation in Item 100 of MRT 2.^{3/} The first alternative would make the current provisions relating to permit shipments of dangerous articles applicable to all shipments transported via circuitous routes. The second alternative is the same as that proposed in the proceeding leading to the issuance of Minimum Rate Tariff 8-A (MRT 8-A) applicable to transportation of fresh fruits and vegetables to market. The Commission in Decision No. 85826 (issued May 8, 1976 in Case No. 5438, OSH 99) did not adopt CTA's proposed rule, commenting that an identical rule had been denied as being unworkable (see Footnote 6, *infra*).

The Commission staff opposed the establishment in MRT 2 of either proposed rule. It is the staff position that the existing rule governing permit shipments moving via circuitous routes is unworkable because the distance table contains no method for determining the "shortest legal route available to the carrier"; therefore, the language in the existing MRT 2 rule is meaningless and cannot be enforced.

3/ The CTA proposals are as follows:

Alternative 1
(Amend)

3. When a permit shipment ~~or a shipment of dangerous articles~~ is required to move via a circuitous route because of conditions imposed by a governmental agency, distances shall be computed along the shortest legal route available to the carrier in accordance with the method provided in the Distance Table.

Alternative 2
(Add)

4. When any public highway route is impassable, constructive mileage shall be computed, as provided above, along the shortest alternate route which legally may be traversed by the carrier.

Strikeover = deletion
Underscore = additions

The posture of this issue leaves the Commission in a difficult situation. On the one hand, the Commission postponed consideration of the issue to this proceeding in order to expedite the issuance of DT 8 and because our staff advised us it would be prepared to offer affirmative evidence. Having thus acted to adopt DT 8 without consideration of the problem, the staff presented no affirmative evidence or proposed solution, and it opposes the proposals of CTA as unworkable. We have carefully considered CTA's proposed rules and have reached the same conclusion as the staff that such rules are unworkable. The rules proposed by CTA, therefore, should not be adopted.

We should not postpone the adoption of DT 8 to govern MRT 2 because DT 8 contains a limited number of highway route segments which are unusable by fully loaded highway vehicles because of weight or other restrictions. Those same route segments are included in DT 7 and were also included in DT 5 and DT 6. Obviously the situation should be studied further and corrected. At this juncture, the only feasible course of action is to defer the problem involving use of distance table routes containing weight or other restrictions to the next revision of the distance table. Our staff has indicated during the course of this proceeding that it is prepared to undertake in the near future the necessary field and other studies leading to the revision of DT 8.

Discussion - Point-to-Point Rates

Statewide minimum rates for the transportation of general commodities were initially established in Decision No. 31606 (1938) (41 CPUC 671). Highway Carriers' Tariff No. 2 established by that decision contained point-to-point class rates between San Francisco Territory and Sacramento, on the one hand, and Los Angeles Territory, on the other hand. The criteria for the establishment of said rates are as stated in Decision No. 31606 as follows (supra, beginning on page 689):

"Relying principally upon the facts (1) that railroads and other common carriers have long maintained rates for transportation between San Francisco Bay territory and the Los Angeles metropolitan area relatively lower than rates maintained for equivalent distances between other points in the state, (2) that an unusually heavy volume of tonnage moves between the territories mentioned, enabling the carriers to experience favorable use factors, and (3) that such tonnage is distributed rather evenly as between northbound and southbound movements, making possible the obtaining of relatively high load factors, the examiners proposed the establishment of point-to-point rates, lower than the mileage rates which would otherwise be applicable. The point-to-point rates are identical with the rates in the 280-300 mile mileage bracket of the general scales. Under this plan, San Francisco, Sacramento and Los Angeles territories would be bounded, and the special rates would be published to apply from and to all points within the described boundaries. In addition, it was suggested that when lower charges resulted, the point-to-point rates be applied from and to intermediate points along certain designated highway routes which, roughly, cover the normal routes from San Francisco to Los Angeles through the San Joaquin Valley and via the Coast, as well as the normal routes from Sacramento through Stockton and the San Joaquin Valley. No route from Sacramento to Los Angeles via the Coast was proposed."

Decision No, 31606 further comments (supra, page 691):

"The heavy volume of tonnage moving between the territories under consideration, and the even distribution of such tonnage as between northbound and southbound movements, undoubtedly permits the obtaining of favorable load and use factors in connection with transportation between those territories. The lower costs resulting from these more favorable load and use factors and a consideration of the rates now in effect lead us to conclude that the proposed minimum point-to-point rates are reasonable and nondiscriminatory."

"Considering that the load and use factors encountered in transportation between the termini are probably improved by the inclusion of intermediate traffic and that in any event it costs no more to pick up or deliver freight at such intermediate points moving the equipment partially loaded and partially empty than to transport a full load the entire distance, the terminal rates should clearly be made to apply at directly intermediate points. . . ."

The last general adjustment of the rates in MRT 2⁴/ based on full-scale cost and rate studies was accomplished in Decision No. 66453 (1963) (62 CPUC 14). The point-to-point class rates adopted in that decision were based on comprehensive cost and economic data current at that time. The relationship of the point-to-point rates to mileage class rates was changed from 280-300 miles, as originally established, to a relationship based on 400-425 miles to reflect the specific cost and other ratemaking data presented in that proceeding.⁵/

4/ Successor to Highway Carriers' Tariff No. 2.

5/ Decision No. 66453 (62 CPUC 12, at page 19) stated as follows:

"Fibreboard excepted to the examiner's recommendation that the San Francisco-Los Angeles class rates proposed by the staff be adopted. The exception is based on alleged infirmities in petitioner's cost study. However, the examiner's recommendation is consistent with his recommendation in regard to the entire class rate structure and will be adopted."

The examiner's proposed report which preceded the issuance of Decision No. 66453, stated as follows:

"The class rates applicable between the San Francisco territory (and Sacramento) and the Los Angeles territory have been lower than the mileage rates because of more favorable operating conditions. Petitioner's studies show that these rates should still be lower, but by not as great a margin. The staff's proposal is the same except for the same difference in rates as appear in the corresponding mileage rates. The staff's rates should be adopted."

It is clear that the point-to-point rates in MRT 2 are based on criteria other than the constructive mileage between territories. The fact that such mileage is reduced has no material effect on the criteria underlying the establishment of the point-to-point rates. No showing was made by the staff or other parties that the mileage change requires adjustment of the point-to-point rates, except that the number of pairs of points between which the point-to-point rates will apply will be reduced upon adoption of DT 8 because the mileage rates will produce lower charges than the point-to-point rates. The staff's revenue study draws a different picture. It shows that the revenues for point-to-point movements will be reduced by 0.9 percent, a substantially lesser percent than the number of pairs of points affected. The inference from the revenue data is that the heavier traffic movements are between pairs of points where the point-to-point rates will continue to apply. On the other hand, shippers will be accorded the benefit of the reduced mileages by the Interstate 5 route whenever the reduced constructive mileages result in mileage rates which produce a lower charge than point-to-point rates. It will be just and reasonable to maintain the point-to-point rates in MRT 2 in their present relationship to distance rates upon adoption of DT 8, and shippers will be accorded appropriate and reasonable savings in transportation charges to the extent that the reduced constructive mileages produce lower transportation charges than the existing point-to-point rates.

Proposals of CTA that the intermediate application of the point-to-point class rates be discontinued are, in part, premised on the adoption of the staff proposal. The changes in the concept of intermediate application of point-to-point rates should be considered only in connection with a complete review of all rates in MRT 2. Adjustments of the relationship between point-to-point class

and commodity and related mileage rates should be accomplished only upon a full and complete showing of the material changes in operating costs, volume of traffic, and distribution of traffic between the territories and statewide.

CTA pointed out that the Interstate 5 route is a new route not included in past distance tables and, therefore, that route is not included in MRT 2 as a route via which the point-to-point rates are intermediate in application. The staff opposed the intermediate application of rates via that route because so little traffic actually moves over the route. The I-5 route produces the shortest constructive mileage route between the rate territories; for that reason intermediate application of point-to-point rates via that route should be provided in MRT 2, irrespective of the amount of traffic involved.

Motion to Dismiss

CTA's position is that the staff proposal in this proceeding would require the motor carrier industry to operate in violation of the law if DT 8 is used in conjunction with MRT 2 without modification for restricted routes. CTA also argued that the proposal to reduce point-to-point rates is supported only by a showing that mileages have been reduced. It is CTA's position that the burden of proof in an Order Setting Hearing proceeding is on the Commission staff and that the staff has not discharged that obligation. CTA moved that the Commission dismiss OSH 806 on the ground that the staff has not provided evidence or information from which the issues can be resolved within the law.

CTA's arguments in support of its motion to dismiss have no merit. The fact that some route segments over which constructive mileage in DT 8 are determined cannot be used by fully loaded units does not require any highway carrier to actually operate illegally.

Only a minimum number of the possible highway routes in the state are used for determination of constructive mileages.^{6/} Carriers operate over innumerable streets and roads not encompassed in DT 8 routes. Highway carriers can and do operate any route they choose and are not bound to operate over the route which produces the lowest constructive mileage. If CTA's motion to dismiss OSH 806 is granted, DT 7 will continue to govern MRT 2. DT 7 contains the same infirmities as DT 8. Carriers would be in no different position whether DT 7 or DT 8 is the governing distance table for MRT 2.

The second basis for dismissal concerns reduction of point-to-point rates. Dismissal for the reasons advanced by CTA has no merit. The motion will be denied.

Findings

1. Decision No. 84332 issued April 15, 1975 in Case No. 7024 (OSH 31) adopted the mileages, maps, rules, and other provisions in DT 8 and stated that further hearing should be held in Case No. 5432 (806) and related proceedings to determine the amendments

^{6/} Decision No. 78984 dated August 10, 1971 in Case No. 7024 (Pet. 25 and 26) commented as follows:

"The record shows that for the distances set forth between major points (red points) in the distance table, neither the table nor the related maps show the actual route used. Therefore, it cannot be readily determined if a particular highway segment is involved in the computation of mileages between two points. It is thus clear that petitioner's proposal would be impracticable to apply, and could only result in confusion."

That decision found as follows:

"The Commission finds that petitioner's proposal is impracticable of application, and is not required to assure reasonable minimum rates. We conclude that the petitions should be denied."

required in the tariffs governed by the distance table as a result of changes in DT 8, and that DT 8 shall supersede DT 7 as the governing distance table to the extent and manner determined in those proceedings.

2. Public hearings were held in Case No. 5432 (OSH 806) and Case No. 5439 (OSH 217) to determine the amendments required in MRT 2 and MRT 9-B as a result of the changes in DT 8 at which all interested parties had opportunity to be heard.

3. MRT 9-B contains no distance rates. That tariff refers to the distance table solely for the purpose of delineating drayage zone descriptions, which correspond to the MZ descriptions in DT 7. The staff proposes that the DT 8 MZ descriptions govern MRT 9-B in lieu of MZ descriptions in DT 7. No opposition was made to the staff proposal. That proposal will be reasonable and should be adopted.

4. While the constructive mileages over many route segments were changed, the principal change from DT 7 to DT 8 is reduction in constructive mileages between San Francisco Territory to Los Angeles Territory, which resulted from the inclusion of a new route via Interstate 5. That route begins at Los Banos and extends southward to the junction of I-5 and U.S. 99 (Junction 3489) near Wheeler Ridge. The constructive mileage between San Francisco Territory (MZ 102) and Los Angeles Territory (MZ 235) was reduced from 446 to 413 miles, or a reduction of 33 constructive (29 actual) miles.

5. The Commission staff proposed that, concurrently with the adoption of DT 8 to govern MRT 2, the point-to-point class rates in Item 510 of MRT 2 (and related point-to-point commodity rates) applicable between San Francisco Territory and Sacramento - North Sacramento, on one hand, and Los Angeles Territory, on the other hand, be reduced in recognition of the change in constructive mileages between said points.

6. The present point-to-point class rates are the equivalent of the mileage class rates for 400-425 constructive miles or one mileage bracket higher than that proposed by the staff.

7. In support of its proposal, the staff presented a statistical analysis showing the number of pairs of MZ's subject to the Item 510 point-to-point rates that would be substantially reduced if the present relationship between point-to-point and mileage class rates are retained upon adoption of DT 8.

8. A revenue analysis based on rerating of a freight sample in the files of the Commission's Data Bank shows the revenue effect of maintaining the existing relationship to point-to-point and class rates upon the adoption of DT 8 would be materially less than would appear when compared with the numbers of pairs of MZ's affected thereby.

9. Prior Commission decisions show that the criteria for the establishment of the point-to-point rates which are lower than mileage class rates are the reduced operating costs resulting from the greater amount and equal balance of traffic between San Francisco territory and Los Angeles territory as compared with the remainder of the state.

10. No showing was made that the criteria underlying the establishment of the reduced point-to-point rates are affected by the constructive mileage changes in DT 8.

11. Adoption of DT 8 to govern MRT 2 will result in an approximate decrease of 0.9 percent in freight charges between points subject to rates in Item 510 of MRT 2 because the mileage rates and point-to-point rates alternate, permitting the use of the rate producing the lowest charge. Shippers will be accorded the benefits of reduced rates resulting from shorter constructive mileages between major territories upon adoption of DT 8 without the implementation of the staff proposal.

12. Reduction in the relationship of the point-to-point class rates and mileage class rates from 400-425 miles to 375-400 miles has not been shown to be reasonable and should not be adopted.

13. The evidence shows that certain route segments used for the development of constructive mileages in DT 8 contain weight or other restrictions which prevent the operation of motorvehicles loaded to maximum capacity. Those same routes were included in prior distance tables.

14. CTA proposed that Item 100 of MRT 2 be amended to incorporate a rule governing the computation of constructive mileages when shipments are required to move via circuitous routes because of conditions imposed by governmental agencies, or when a route is impassable.

15. Rules similar to those proposed by CTA have been denied by the Commission. (Decision No. 78982 dated August 10, 1971 in Case No. 7024 (Pet. 25) and Decision No. 79427 dated November 30, 1971 in Case No. 8808 (Pet. 9).) CTA's proposals herein have the same defects as the rules previously rejected by the Commission and should be denied.

16. The point-to-point rates in MRT 2 apply to intermediate points via the specific routings set forth in that tariff. MRT 2 contains no route via I-5. Inasmuch as the short-line constructive mileage route is via I-5, such routing should be included in MRT 2.

17. The adoption of DT 8 to govern the provisions of MRT 2 and MRT 9-B will result in just, reasonable, and nondiscriminatory constructive mileage rates for the transportation subject to those tariffs.

18. Increases in rates, if any, resulting from the adoption of DT 8 to govern MRT 2 and MRT 9-B are justified.

19. Highway permit carriers and common carriers should be authorized to charge less for longer than for shorter distances to the extent necessary to charge the minimum rates set forth in MRT 2 and to observe the rules set forth in DT 8.

Conclusion

1. MRT 2 and MRT 9-B should be amended in accordance with the above findings.

2. To avoid duplication of tariff distribution, MRT 9-B should be amended by separate order.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective September 18, 1976, the revised pages set forth in Appendix 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 to Decision No. 31606, as amended, are hereby directed to comply with the revised tariff provisions established herein.

3. Tariff publications required or authorized to be made by common carriers as a result of the order herein 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; such tariff publications as are required shall be made effective not later than September 18, 1976; and as to tariff publications which are authorized but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

4. 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 a reference to the prior orders authorizing long- and short-haul departures and to this order.

5. In all other respects Decision No. 31606, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 17th
day of AUGUST, 1976.

I dissent
William J. Lyons Jr.
Commissioner

[Signature]
President
[Signature]
Leonard Ross
Robert Bateman
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

LIST OF ADDITIONAL APPEARANCES

Respondents: John McSweeney, for Delta Lines, Inc.; Joseph MacDonald, for California Motor Express; and Jerome D. Whiting, for Pacific Motor Trucking Co.

Interested Parties: James R. Steele, for Leslie Foods; Richard O. Austin, for Kaiser Cement & Gypsum; E. O. Blackman, for California Dump Truck Owners Association; James F. Orear, for C & H Sugar Co.; Robert Cogswell, for Foremost McKesson; Ben Turpin, for Port of San Francisco; R. C. Fels, for California Furniture Manufacturers Association; William D. Mayer, for Del Monte Corporation; J. C. Kaspar and Herbert W. Hughes, for California Trucking Association; Robert A. Kormel and Horst W. Klocke, for Pacific Gas and Electric Company; J. J. Butcher, for California Manufacturers Association; William Barklie, for California Portland Cement Co.; William Mitze, for Riverside Cement Company; Calhoun E. Jacobson, for Traffic Managers Conference of California; Ralph O. Hubbard, for California Farm Bureau; Asa Button, for Amstar Corp., Spreckels Sugar Division; E. J. Bertana, for Lone Star Industries, Inc., Northern California Division; and Dale Johnson, for Cannery League of California.

Commission Staff: Robert E. Walker, George H. Morrison, and Robert E. Bouchet.

APPENDIX B

LIST OF REVISED PAGES
TO MINIMUM RATE TARIFF 2

FORTY-FIFTH	REVISED	PAGE 3
FIFTY-FIRST	REVISED	PAGE 11
ELEVENTH	REVISED	PAGE 15-C
THIRTY-SEVENTH	REVISED	PAGE 19
NINTH	REVISED	PAGE 20-B
FIRST	REVISED	PAGE 20-F
THIRTEENTH	REVISED	PAGE 68

(END OF APPENDIX B LIST)

TABLE OF CONTENTS (Concluded)	ITEM (Inclusive)
<p>PROCES (Section 1) Concluded:</p> <p>Application of Tariff-Territorial----- 30-31</p> <p>Application of Governing Classification and Exception Ratings Tariff----- 50</p> <p>Charges for Accessorial Services or Delays----- 145</p> <p>Charges for Obtaining a Weighmaster's Certificate----- 148</p> <p>Collection of Charges----- 250</p> <p>Collect on Delivery (C.O.D.) Shipments----- 182</p> <p>Combination Rates, Method of Computing----- 295</p> <p>Computation of Distances----- 100</p> <p>Delays to Equipment----- 142-143</p> <p>Empty Packages or Carriers Second Hand----- 291</p> <p>Empty Pallet Return----- 45</p> <p>Escort Service, Charges for----- 124</p> <p>Exceptions to Governing Classification and Exception Ratings Tariff----- 280-400</p> <p>Failure to Accomplish Delivery----- 141</p> <p>Forklift Service----- 260</p> <p>Hazardous Materials----- 129</p> <p>Intermediate Application (See Routing)-----</p> <p>Issuance of Documents----- 255</p> <p>Minimum Charge----- 150</p> <p>Mixed Shipments----- 90-91</p> <p>Multiple Service Shipment----- 188</p> <p>Multiple Utilization of Equipment----- 293.3</p> <p>Parcel Deliveries (Metropolitan Los Angeles Area)----- 265</p> <p>Permit Shipments, Charges for----- 128</p> <p>Pool Shipments----- 176-179-2</p> <p>Rail Carloading and Unloading Charges (Metropolitan Los Angeles Area)----- 262</p> <p>References to Named Points or Communities----- 105</p> <p>Shipments To Be Rated Separately----- 60</p> <p>Shipments Transported in Multiple Lots----- 85</p> <p>Small Shipment Service----- 149</p> <p>Special Collect on Delivery (C.O.D.) Service----- 181-1</p> <p>Split Delivery----- 170-173</p> <p>Split Pickup----- 160-163</p> <p>Stringing Services----- 174-175</p> <p>Technical Terms, Definition of----- 10-12</p> <p>Temperature Control Service----- 185-187-3</p> <p>Territorial Descriptions----- 270-270-3</p> <p>Units of Measurement To Be Observed----- 257</p> <p>Volume Incentive Service----- 292</p> <p>Weighmaster's Certificate----- 682</p> <p>Weights-Gross Weights and Dunnage----- 70</p>	
<p>Change, Decision No. 86246</p>	
EFFECTIVE	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	
Correction	

SECTION 1--RULES OF GENERAL APPLICATION	ITEM
<p style="text-align: center;">DEFINITION OF TECHNICAL TERMS (Items 10, 11 and 12)</p> <p>AIR-MILE means a statute mile measured in a straight line without regard to terrain features or differences in elevation.</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 cement contract carrier or a dump truck carrier as defined in the Highway Carriers' Act, or a household goods carrier as defined in the Household Goods 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>COMPONENT PART means any part of a shipment received by the carrier whether or not such part is separately delivered by the carrier; and any part of a shipment separately delivered by the carrier whether or not such part is separately received by the carrier.</p> <p>CONSIGNOR means the person, firm or corporation shown on the bill of lading as the shipper of the property received by the carrier for transportation.</p> <p>DEBTOR means the person obligated to pay freight charges to the carrier, whether consignor, consignee or other party.</p> <p>ØDISTANCE TABLE means Distance Table 8 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>*HAZARDOUS MATERIALS means articles described in the Hazardous Materials Tariff.</p> <p>ØHAZARDOUS MATERIALS TARIFF means Hazardous Materials Tariff 111-B, Cal.P.U.C. 12, of American Trucking Associations, Inc., Agent.</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 result of the work only and not as to the means by which such result is accomplished.</p> <p style="text-align: center;">(Continued in Item 11)</p>	<p>Ø10</p>
<p>Ø Change) * Addition) Decision No. 86246</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">APPLICATION OF GOVERNING PUBLICATIONS</p> <p>1. This tariff is governed to the extent shown herein by:</p> <p>(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; 202; 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; 381; 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; 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) The Exception Ratings Tariff.</p> <p>(c) The Hazardous Materials Tariff (California Regulations).</p> <p>(d) The Distance Table.</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) 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 Hazardous Materials 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) hereof, the provisions of the Hazardous Materials Tariff will apply.</p>	<p>550</p>
<p>Change, Decision No.</p> <p style="text-align: center; font-size: 1.5em;">86246</p>	
EFFECTIVE	
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">CHARGES FOR PERMIT SHIPMENTS</p> <p>(a) Rates for transportation of permit shipments which are required to move via a circuitous route because of conditions imposed by a governmental agency, other than shipments subject to the provisions of Item 720, shall be distance rates utilizing distances determined under the provisions of Item 100.</p> <p>(b) In addition to all other applicable rates and charges named in this tariff, the following charges shall be assessed on all permit shipments:</p> <ol style="list-style-type: none"> 1. A charge of \$16.80 shall be made for the service of securing each permit, and 2. A charge shall be made equal to the fee, if any, assessed by the governmental agency for issuing each permit. 	128
<p style="text-align: center;">HAZARDOUS MATERIALS</p> <p>Hazardous Materials include those articles described in and subject to the provisions of the Hazardous Materials Tariff.</p> <p>Rates for transportation of shipments of hazardous materials which are required to move via a circuitous route because of conditions imposed by a governmental agency shall be distance rates utilizing distances determined under the provisions of Item 100.</p> <p>Hazardous materials must not be accepted for transportation unless at the time of or prior to the initial pickup the consignor has furnished to the carrier written information as required under the regulations of the Hazardous Materials Tariff.</p> <p>To the extent hereinafter provided, the following provisions of this tariff and the Governing Classification will not apply to shipments of dangerous articles:</p> <ol style="list-style-type: none"> 1. Items 90 and 91 (Mixed Shipments) will not apply to shipments containing one or more commodities which the Hazardous Materials Tariff prohibits being transported at the same time on a single unit of carrier's equipment. 2. Items 110 (Application of Rates--Deductions), Items 160-163 (Split Pickup), Items 170-173 (Split Delivery), Item 182 (C.O.D. Shipments), Item 188 (Multiple Service Shipment) and Item 430 of the Governing Classification will not apply to shipments, including any component parts thereof, containing explosives (Class A, B or C) and/or any other hazardous materials which may not be left unattended in the carrier's equipment under the regulations of the Hazardous Materials Tariff. 	\$129
<p style="text-align: center;">ACCESSORIAL SERVICES</p> <p>When carrier performs, at shipper's or receiver's request or order, service such as stacking, sorting, providing helpers for loading or unloading, or any other like service which is not authorized to be performed under rates named in this tariff, and for which a charge is not otherwise provided, additional charges per man shall be assessed as provided in Item 145(a). The charge provided in Item 145(b) for unit of equipment shall also apply whenever the accessorial or incidental service requires its use, or whenever the unit of equipment is inactivated by reason of the driver or helper being engaged in such service.</p> <p>The provisions of this item shall not apply when a helper is provided for any reason other than shipper's or receiver's request or order. The reason for supplying helpers shall be recorded on shipping and accessorial service documents.</p> <p>When charges are provided in this tariff for performance of accessorial services, said charges shall be based upon the weight which the transportation rates are computed.</p>	140
<p>Change, Decision No. 86246</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	
Correction	

MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">SPLIT PICKUP (Continued) (Items 160, 161, 162 and 163)</p> <p>C. The rate for the transportation of a split pickup shipment shall be determined and applied as follows, subject to Note 1 in Item 163:</p> <p>1. Subject to the alternative provided in paragraph 5 hereof, distance rates shall be determined by the distance to point of destination from that point of origin which produces the shortest distance via the other point or points of origin. (See Exceptions 1, 2, 3, 4 and *5)</p> <p>EXCEPTION 1.--Add to the distance determined under the provisions of paragraph 1 above, two constructive miles for each point in excess of one located within:</p> <ul style="list-style-type: none"> (a) a single metropolitan zone, or (b) a single incorporated city, including the extended area thereof, but not within a metropolitan zone, or (c) a single unincorporated community, including the extended area thereof, but not within a metropolitan zone, designated in the Distance Table as a red point, black point or numbered junction. <p>EXCEPTION 2.--In the event a shipment: (a) has any point of origin within a mileage territory and the point of destination is located outside of the same mileage territory or (b) has any point of origin located within a mileage territory and point of destination or any other point of origin located outside of the same mileage territory, the shortest distance shall be determined as follows:</p> <ul style="list-style-type: none"> (1) Between a point within a metropolitan zone and a point not within the same metropolitan zone group but within the Related Mileage Territory, use for constructive mileage determination for the point within the metropolitan zone, the mileage basing points for the applicable metropolitan zone groups. (2) Between two or more metropolitan zones within the same metropolitan zone group, use for constructive mileage determination the mileage basing points for the individual metropolitan zones. <p>EXCEPTION 3.--On split pickup shipments subject to a rate based on a minimum weight of 20,000 pounds or more and transported between points in the San Francisco Metropolitan Zone Group, on the one hand, and points in the East Bay Metropolitan Zone Group, on the other hand, the rate shall be no less than the rate set forth in Item 520.</p> <p>EXCEPTION 4.--If a carrier attempts pickup of any component part of a split pickup shipment and if, through no fault of its own, said component part is not available for tender to the carrier, distance shall nonetheless be computed via said point and all other points set forth on the split pickup document described in paragraph 2 hereof. Split pickup charges set forth in Note 1 will not apply if freight is not picked up at point of origin of any component.</p> <p>*EXCEPTION 5.--The rates for the transportation of split pickup may not be determined by the use of point-to-point rates named in Items 509, 509.5, 510, 630, 700, 726, 730, 740, or 758 nor the hourly rates set forth in Item 720.</p> <p style="text-align: center;">(Continued in Item 162)</p>	<p>§161</p>
<p> § Change) * Addition) Decision No. </p>	<p>86246</p>
EFFECTIVE	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction

MINIMUM RATE TARIFF 2

SECTION 1--RULES OF GENERAL APPLICATION (Continued)	ITEM
<p style="text-align: center;">SPLIT DELIVERY (Continued) (Items 170, 171, 172 and 173)</p> <p>C. The rate for the transportation of a split delivery shipment shall be determined and applied as follows, subject to Note 1 in Item 173:</p> <p>1. Subject to the alternative provided in paragraph 3 hereof, distance rates shall be determined by the distance from point of origin to that point of destination which produces the shortest distance via the other point or points of destination. (See Exceptions 1, 2, 3 and *4)</p> <p>EXCEPTION 1.--Add to the distance determined under the provisions of paragraph 1 above, two constructive miles for each point in excess of one located within:</p> <ul style="list-style-type: none"> (a) a single metropolitan zone, or (b) a single incorporated city, including the extended area thereof, but not within a metropolitan zone, or (c) a single unincorporated community, including the extended area thereof, but not within a metropolitan zone, designated in the Distance Table as a red point, black point or numbered junction. <p>EXCEPTION 2.--In the event a shipment: (a) has its origin within a mileage territory and any point of destination is located outside of the same mileage territory, or (b) has any point of destination located within a mileage territory and point of origin or any other point of destination located outside of the same mileage territory, the shortest distance shall be determined as follows:</p> <ul style="list-style-type: none"> (1) Between a point within a metropolitan zone and a point not within the same metropolitan zone group but within the Related Mileage Territory, use for constructive mileage determination for the point within the metropolitan zone, the mileage basing points for the applicable metropolitan zone groups. (2) Between two or more metropolitan zones within the same metropolitan zone group, use for constructive mileage determination the mileage basing points for the individual metropolitan zones. <p>EXCEPTION 3.--On split delivery shipments subject to a rate based on a minimum weight of 20,000 pounds or more and transported between points in the San Francisco Metropolitan Zone Group, on the one hand, and points in the East Bay Metropolitan Zone Group, on the other hand, the rate shall be no less than the rate set forth in Item 520.</p> <p>*EXCEPTION 4.--The rates for the transportation of split delivery may not be determined by the use of point-to-point rates named in Items 509, 509.5, 510, 630, 700, 726, 730, 740, or 758 nor the hourly rates set forth in Item 720.</p> <p style="text-align: center;">(Continued in Item 172)</p>	<p>§171</p>
<p>ø Change) * Addition) Decision No. 86246</p>	
EFFECTIVE	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction

SECTION 4--ROUTING (Concluded)	ITEM
<p>ΔRoute No. 4: From San Francisco Territory via U. S. Highway No. 101 to Gilroy; State Highway No. 152 through Los Banos to its junction with State Highway No. 99 north of Madera; via State Highway No. 99 to Los Angeles Territory or to Los Angeles Basin Territory.</p> <p>ΔRoute No. 5: From North Sacramento via State Highway No. 99 to Los Angeles Territory or to Los Angeles Basin Territory.</p> <p>ΔRoute No. 6: From San Francisco Territory via U. S. Highway No. 101 to its junction with State Highway No. 118, 4.0 miles southeast of Ventura; via (a) State Highway No. 118 through Chatsworth, or (b) U. S. Highway 101 through Thousand Oaks, or (c) U. S. Highway No. 101 to its junction with State Highway No. 1 at El Rio, thence via State Highway No. 1 through Oxnard to Los Angeles Territory or to Los Angeles Basin Territory.</p> <p>ΔRoute No. 7: From San Francisco Territory via Route 1, 2 or 3 to the junction of Business Interstate Highway 205 (formerly known as U. S. Highway No. 50) and State Highway No. 33, 3.0 miles east of Tracy; via State Highway No. 33 to Los Banos; via State Highway No. 152 to its junction with State Highway No. 99 north of Madera; via Route 1, 2 or 3 beyond.</p> <p>(1)Route No. 8: From San Francisco Metropolitan Zone Group via U. S. Highway No. 101 to San Jose Metropolitan Zone Group.</p> <p>(1)Route No. 10: From East Bay Metropolitan Zone Group via State Highway No. 17 to San Jose Metropolitan Zone Group.</p> <p>(2)ΔRoute No. 13: From Spreckels via unnumbered highway (Spreckels Boulevard and Harris Road) to its junction with U. S. Highway 101 approximately 5.3 miles north of Chualar, thence via Route No. 6 to Los Angeles Territory.</p> <p>(3)ΔRoute No. 14: From San Francisco Territory via (a) Interstate Highway No. 80, or (b) State Highways No. 24, 4 and 160 to Sacramento Valley Territory.</p> <p>(3)ΔRoute No. 15: From San Francisco Territory via (a) Interstate Highway No. 580, or (b) U. S. Highway No. 101 to Gilroy, thence via State Highway No. 152 to San Joaquin Valley Territory.</p> <p>(3)ΔRoute No. 16: From North Sacramento via State Highway No. 99 to San Joaquin Valley Territory.</p> <p>(3)ΔRoute No. 17: From Sacramento via State Highway No. 99 to Sacramento Valley Territory.</p> <p>*Route No. 18: From San Francisco Territory via U. S. Highway No. 101 to Gilroy; State Highway No. 152 to Interstate Highway No. 5; thence via Interstate Highway No. 5 to the Los Angeles Territory or to the Los Angeles Basin Territory.</p> <p>*Route No. 19: From North Sacramento via Interstate Highway No. 5 to the Los Angeles Territory or to the Los Angeles Basin Territory.</p> <p>(1) Applies only in connection with rates named in Item 509. Δ(2) Applies only in connection with rates named in Item 740. Δ(3) Applies only in connection with rates named in Item 620.</p>	<p>6900.1</p>
<p> ø Change) * Addition) Δ Change, neither increase) nor reduction) </p>	<p>Decision No. 86246</p>
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<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	