

Decision 84 12 044

DEC 19 1984

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 rock, sand, )  
 gravel, and related items in bulk, )  
 in dump truck equipment in Southern )  
 California as provided in Minimum )  
 Rate Tariff 17-A and Southern )  
 California Production Area and )  
 Delivery Zone Directory 1, and the )  
 revisions or reissues thereof. )

Case 9819, Pet. 71

SUPPLEMENTAL OPINION AND ORDER

A decision dated today in this proceeding found that the rules pertaining to collection of charges in Minimum Rate Tariff (MRT) 17-A should be amended to conform to the law enacted by Senate Bill 2082 and that amendment of the tariff should be accomplished by separate order.

Findings of Fact

1. The present credit rule in MRT 17-A requires payment by debtors to carriers within fifteen days following the last day of the calendar month in which the transportation was performed.

2. The new law enacted under SB 2082 requires payment by licensed contractors to dump truck carriers within twenty days following the last day of the month in which the transportation was performed, when the transportation relates to private works of improvement and public works of improvement.

3. Amendment to the rules for collection of charges in MRT 17-A is required to implement the provisions of SB 2082, effective January 1, 1985.

Conclusions of Law

1. MRT 17-A should be amended to conform to the requirements of SB 2082.

2. Tariff pages reflecting necessary changes should be made effective January 1, 1985.

IT IS ORDERED that:

1. MRT 17-A (Appendix C to Decision (D.) 80578, as amended) is further amended by incorporating Second Revised Page 1-9 and Second Revised Page 1-10, attached, to become effective January 1, 1985.

2. Common carriers subject to the Public Utilities Act, to the extent that they also are subject to D.80578, as amended, are directed to establish in their tariffs the necessary changes to conform with the further adjustments ordered by this decision.

3. Common carrier tariff publications made as a result of this order shall be effective not earlier than January 1, 1985, on not less than 5 days' notice to the Commission and to the public.

4. In all other respects, D.80578, as amended, shall remain in full force and effect.

5. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to MRT 17-A.

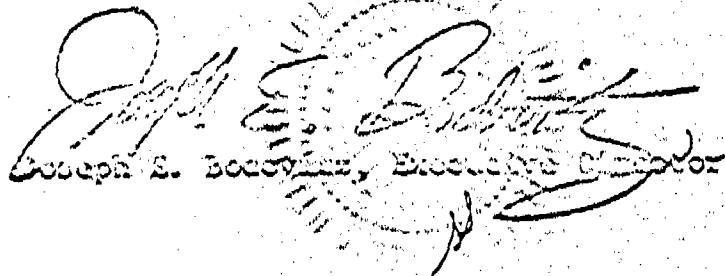
6. The Executive Director shall serve a copy of the tariff amendments on each subscriber to MRT 17-A.

This order is effective today.

Dated DEC 19 1984, at San Francisco, California.

DONALD VIAL  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
WILLIAM T. BAGLEY  
FREDERICK R. DUDA  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bocovsky, Executive Director

SECTION 1--RULES (CONTINUED)	ITEM
<p style="text-align: center;"><b>COLLECTION OF CHARGES</b></p> <p>(a) Except as otherwise provided in this item, transportation and accessorial charges shall be collected by the carriers prior to relinquishing possession of property entrusted to them for transportation; said charges shall be collected in cash or in the form of valid checks, drafts or money orders (for exception concerning the amounts of payments by carriers to underlying carriers, see Item 460).</p> <p>*(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons herein being called debtors, for a period not to exceed 15 days, excluding Sundays and legal holidays other than Saturday half-holidays following the last day of the calendar month in which the transportation was performed, except as otherwise provided in this item.</p> <p>*(c) Licensed contractors are required to pay transportation charges submitted by dump truck carriers who performed transportation relating to all private works of improvement and to all public works of improvement by the 20th day following the last day of the calendar month in which the transportation was performed, provided that carriers submit the charges by the 5th day following the last day of the calendar month in which the transportation was performed. The payment shall be made in this described manner, unless otherwise agreed to in writing by the parties and approved by the Commission.</p> <p>*(d) Where the carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 20 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>*(e) Freight bills for all transportation and accessorial charges shall be presented to the debtors within 4 days after the last calendar day of the month in which transportation was performed, except as otherwise provided in this item.</p> <p>*(f) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>*(g) The mailing by the debtor of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p> <p>*(h) This item is not applicable to charges for transportation performed for the United States, state, county or municipal governments.</p>	<p style="text-align: right;">6260</p>

Change Addition ) Decision No. 84 12 044

EFFECTIVE JANUARY 1, 1985

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

Correction

SECTION 1--RULES (CONTINUED)	ITEM
<p style="text-align: center;"><b>COLLECT ON DELIVERY (C.O.D.) SHIPMENTS</b></p> <p>1. A collect on delivery shipment, hereinafter referred to as a C.O.D. shipment, means a shipment upon which the consignor has attached, as a condition of delivery, the collection of a specific sum or sums of moneys by the carrier making delivery thereon and the return of said moneys to the consignor or other payee designated by the consignor.</p> <p>2. Every carrier handling C.O.D. shipments shall:</p> <p>(a) Establish and maintain a separate bank account or accounts wherein all moneys (other than checks or drafts payable to consignor or payee designated by consignor) collected on C.O.D. shipments will be held in trust until remitted to payee, except C.O.D. moneys which are remitted within five days after delivery.</p> <p>(b) Establish and maintain a record or records of all C.O.D. shipments in such manner and form as will plainly and readily show the following information with respect to each shipment:</p> <p>(1) Number and date of freight bill.            (2) Name and address of consignor or other person designated as payee.            (3) Name and address of consignee.            (4) Date shipment delivered.            (5) Amount of C.O.D. moneys collected.            (6) Date C.O.D. moneys remitted.            (7) Check number or other identification of remittance to payee.</p> <p>(c) Collect the full amount of the C.O.D. moneys at the time C.O.D. shipments are delivered to the consignee and remit all such collections to consignor, or to other persons designated by the consignor on such shipments, promptly and in no event later than 10 days after delivery to the consignee, unless consignor instructs otherwise in writing. All remittances for C.O.D. shipments shall identify the C.O.D. shipment or shipments covered by the remittance.</p> <p>(d) Not accept checks or drafts (other than certified checks, cashier's checks, or money orders) in payment of C.O.D. charges unless authority has been received from the consignor.</p> <p>(e) Notify the consignor immediately if a C.O.D. shipment is refused or cannot be delivered because of circumstances beyond the carrier's control. In the event of such nondelivery, and pursuant to the consignor's instructions, the shipment shall either be returned to the consignor or delivered to another consignee (see Item 300 for charges to be assessed for diverted or returned shipments). (Exception to General Order No. 84-H.)</p> <p>3. The charges for collecting and remitting the amount of C.O.D. bills collected on C.O.D. shipments shall be \$2.00 for each C.O.D. shipping document collected.</p> <p>4. The bond prescribed in General Order No. 84-H shall not be required of carriers while engaged as independent-contractor subhaulers; carriers while engaged in transporting property for which rates are provided in Minimum Rate Tariff 17-A; or carriers operating within lawfully established pickup and delivery limits as agents of a common carrier in the performance for such common carrier of transfer, pickup or delivery services provided for in the lawfully published tariffs of such common carrier.</p>	280
No change on this page. Decision No.	84 12 044
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