

ORIGINAL

Decision S4 12 045

DEC 19 1984

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, and)
 gravel, in bulk, in dump truck)
 equipment in Northern California as)
 provided in Minimum Rate Tariff 20)
 and Northern California Production)
 Area and Delivery Zone Directory 2,)
 and the revisions or reissues)
 thereof.)

Case 9820, Pet. 23

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) 20 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 20 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 20 is required to implement the provisions of SB 2082, effective January 1, 1985.

Conclusions of Law

1. MRT 20 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 20 (Appendix A to Decision (D.) 81799, as amended) is further amended by incorporating Second Revised Page 1-8-A 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.81799, 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.81799, 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 20.

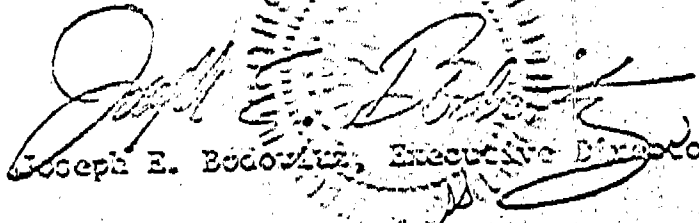
6. The Executive Director shall serve a copy of the tariff amendment on each subscriber to MRT 20.

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


Joseph E. Bodovick, Executive Director

SECTION 1--RULES (Continued)	ITEM				
<p style="text-align: center;">COLLECTION OF CHARGES</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.</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 debtors for a period not to exceed the 15th day 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, subject to paragraph (e), 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 30 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 5 days after the last calendar day of the month in which transportation was performed.</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>260</p>				
<p style="text-align: center;">ADDITIONAL CHARGE FOR SERVICE PERFORMED ON SATURDAYS, SUNDAYS AND HOLIDAYS</p> <p>When commodities for which rates are provided in this tariff are picked up at point of origin and transported on Saturday, Sunday and/or the day legally observed as New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Friday immediately following Thanksgiving Day, Christmas Day and Washington's Birthday, the zone rates provided therefor in this tariff shall be increased by the percent shown below:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>Saturday</u></td> <td style="text-align: center;"><u>Sunday and Holiday</u></td> </tr> <tr> <td style="text-align: center;">5%</td> <td style="text-align: center;">23%</td> </tr> </table>	<u>Saturday</u>	<u>Sunday and Holiday</u>	5%	23%	<p>270</p>
<u>Saturday</u>	<u>Sunday and Holiday</u>				
5%	23%				
<p>Change } Decision No. 84 12 045 Addition }</p>					
<p>EFFECTIVE JANUARY 1, 1985</p>					
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>					