

DEC 28 1990

Decision 90-12-124 December 27, 1990

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 sand, rock, gravel,)
 and related items in bulk, in dump)
 truck equipment between points in)
 California as provided in Minimum)
 Rate Tariff 7-A and the revisions)
 or reissues thereof.)

Case 5437
 Petition for Modification 348
 (Filed September 6, 1990)

Case 9819
 Petition for Modification 130
 (Filed September 6, 1990)

And Related Matters.

Case 9820
 Petition for Modification 41
 (Filed September 6, 1990)

Case 5433
 Petition for Modification 81
 (Filed September 6, 1990)

Case 5330
 Petition for Modification 123
 (Filed September 7, 1990)

ORDER MODIFYING DECISION 90-12-085

The Commission has been informed that, due to a clerical oversight which resulted in a failure to circulate alternate language, Decision (D.) 90-12-085 (and attached Appendices A and B), signed December 19, 1990, did not reflect its publicly stated intention of limiting authorized mandatory increases to a short duration. More specifically, that decision extended the effective date of fuel surcharges authorized in D.90-10-066 until March 27, 1991; however the Commission intended to extend such effective date only until February 6, 1991. Therefore, the Commission must modify

D.90-12-085 consistent with its stated intention. Appendix I contains the revised Conclusions of Law and Ordering Paragraphs, and Appendix II contains revised tariff pages reflecting the correct date.

Notice of today's order did not appear on the Commission's public agenda; however an emergency exists in that the Commission's December 19th order contained an erroneous extension date, and it is imperative that the correct date is communicated immediately to the industry for business planning purposes. This justifies our action today under Public Utilities Code § 306(b).

IT IS ORDERED that D.90-12-085 (and attached Appendices A and B) is modified as follows:

1. The second sentence on page 1 is modified to read: "The decision also extends the effective date of fuel surcharges authorized by D.90-10-066 until February 6, 1991."

2. The fifth sentence in the first full paragraph on page 5 which reads: "We will extend the surcharge for an additional period of approximately 90 days to March 27, 1991, the second Commission meeting in March 1991." is deleted and replaced with the sentence reading: "We will extend the surcharges for an additional period ending on February 6, 1991."

3. The three sentences appearing under the Discussion heading on page 6 are deleted and replaced with the following text: "Since this order grants an extension exceeding 30 days, we believe we have substantially addressed the concerns raised by Association General Contractors of California (AGCC), and accordingly we will deny AGCC's request for hearings and grant the extension for surcharges."

4. Finding of Fact 12 is modified by deleting the phrase "for the next 90 days" and replacing it with the phrase "for the next 30-60 days." As corrected Finding of Fact 12 reads: "No decline in fuel prices is expected for the next 30-60 days."

5. Conclusion of Law 1 is modified by replacing "March 27, 1991" with "February 6, 1991."

6. Conclusion of Law 3 is modified by replacing "March 27, 1991" with "February 6, 1991."

7. Ordering Paragraph 2 is modified by replacing "March 27, 1991" with "February 6, 1991."

8. Ordering Paragraph 6 (Appendix A) is modified by replacing "March 27, 1991" with "February 6, 1991."

9. The March 27, 1991 expiration date appearing at the bottom of (E)Supplement 30, (E)Supplement 3, (E)Supplement 37, (E)Supplement 50, and (E)Supplement 34 in Appendix B is modified to read "Expires February 6, 1991" on each Supplement.

10. As discussed in the preceding text, today's decision is issued pursuant to the "unforeseen emergency" provisions of Public Utilities Code § 306(b).

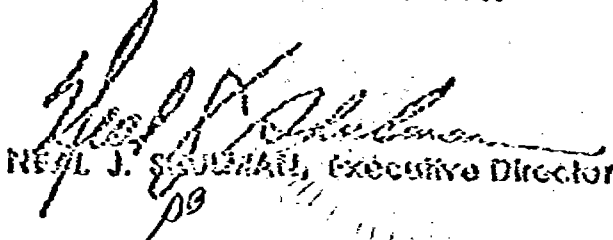
11. Except as modified herein, Decision 90-12-085 remains in full force and effect.

This order is effective today.

Dated December 27, 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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


NEIL J. STEWART, Executive Director

APPENDIX I
Page 1

Complete Conclusions of Law and Ordering Paragraphs
As Amended by D.90-12-085
and D.90-12-124

Conclusions of Law

1. A single fuel price increase should be used for all classes of carriers for the purpose of this proceeding.
2. Fuel price increase found in the CCA/CDTOA survey should be used for computing fuel surcharges.
3. Fuel surcharges should remain in effect until the date specified in the appropriate ordering paragraph.
4. No special deviation procedure should be adopted for the fuel surcharges.
5. The Commission should act expeditiously on this decision by waiving the 30-day period required under PU Code § 311.

O R D E R

IT IS ORDERED that:

1. Minimum Rate Tariff (MRT) 3-A (Appendix A to Decision (D.) 55587, as amended) is further amended by incorporating Supplement 30 included in Appendix B.
2. MRT 4-C (Appendix D to D.87-01-066, as amended) is further amended by incorporating the attached Supplement 3 included in Appendix B.
3. MRT 7-A (Appendix B to D.82061, as amended) is further amended by incorporating the attached Supplement 37 included in Appendix B.
4. MRT 17-A (Appendix C to D.80578, as amended) is further amended by incorporating Supplement 50 included in Appendix B.

APPENDIX I
Page 2

5. MRT 20 (Appendix A to D.81799, as amended) is further amended by incorporating Supplement 34 included in Appendix B.

6. These supplements shall remain effective until February 6, 1991.

7. The Executive Director shall serve a copy of this decision on each subscriber to MRTs 3-A, 4-C, 7-A, 17-A, and 20.

8. The proceedings in C.5437, Petition for Modification 348 and related matters are closed.

(END OF APPENDIX I)

C.5437, Pet. 348 et al. ALJ/LTC/dyk

APPENDIX II

EMERGENCY FUEL SURCHARGE SUPPLEMENT

§(E) SUPPLEMENT 30
(Cancels Supplement 29)
(Supplements 27 and 30 Contain All Changes)
TO
MINIMUM RATE TARIFF 3-A
NAMING
MINIMUM RATES AND RULES
FOR THE
TRANSPORTATION OF LIVESTOCK OVER THE
PUBLIC HIGHWAYS WITHIN THE
STATE OF CALIFORNIA
BY
HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
AND
LIVESTOCK CARRIERS

§(E) APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the rates and rules in this tariff, and increase the amount so computed by seven (7.0) percent.

In computing the amount of the charges, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharge herein shall not apply to:

1. Item 110 - Accessorial Charges;
2. Items 170 and 180 - Split Pickup and Split Delivery;
3. Item 200 - Stopping in Transit; and
4. Item 210 (Railhead-to-railhead Charges Only).

§(E) Expires February 6, 1991

§ Change, Decision

EFFECTIVE DECEMBER 19, 1990

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Governor Edmund G. "Pat" Brown Building
505 Van Ness Avenue
San Francisco, California 94102

EMERGENCY FUEL SURCHARGE SUPPLEMENT

#(E) SUPPLEMENT 3

(Cancels Supplement 2)

(Supplement 3 Contains All Changes)

TO

MINIMUM RATE TARIFF 4-C

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF USED PROPERTY, NAMELY:

HOUSEHOLD GOODS, PERSONAL EFFECTS AND

OFFICE, STORE AND INSTITUTIONAL FURNITURE,

FIXTURES AND EQUIPMENT OVER THE

PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

HOUSEHOLD GOODS CARRIERS

#(E) APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the rates and rules in this tariff, and increase the resulting total as follows:

1. By one and five-tenths (1.5) percent on charges computed at rates set forth in Items 320; and
2. By three (3) percent on charges computed at rates set forth in Items 300, 310, 330, 380 and 390.

The surcharge authorized herein shall be computed to the nearest five (5) cents. In computing the surcharge, two and one-half (2-1/2) cents shall be considered as being nearer to the next five cents.

#(E) Expires February 6, 1991

Change, Decision

EFFECTIVE DECEMBER 19, 1990

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Governor Edmund G. "Pat" Brown Building
505 Van Ness Avenue
San Francisco, California 94102

EMERGENCY FUEL SURCHARGE SUPPLEMENT

§(E) SUPPLEMENT 37

(Cancels Supplement 34)

(Supplements 9, 33, 35⁽¹⁾, 36⁽²⁾ and 37 Contain All Changes)

TO

MINIMUM RATE TARIFF 7-A

MAINTAINING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY IN DUMP TRUCK

EQUIPMENT BETWEEN POINTS IN CALIFORNIA

BY

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

AND

DUMP TRUCK CARRIERS

§(E) APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the rates and rules of this tariff, and increase the amount so computed as follows:
(SEE EXCEPTION)

1. By seven (7) percent on charges computed at rates provided in Items 290, 300, 310, 320, 325, 330, 340, 490 and 510.
2. By six (6) percent on charges computed at rates provided in Items 390 and 400.

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

- (1) Supplement 35 becomes effective January 1, 1991
(2) Supplement 36 becomes effective January 5, 1991

§(E) Expires February 6, 1991

§ Change, Decision

EFFECTIVE DECEMBER 19, 1990

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Governor Edmund G. "Pat" Brown Building
505 Van Ness Avenue
San Francisco, California 94102

EMERGENCY FUEL SURCHARGE SUPPLEMENT

§(E) SUPPLEMENT 50

(Cancels Supplement 47)

(Supplements 6, 13, 27, 29, 46, 48, 49⁽¹⁾ and 50 Contain All Changes)

TO

MINIMUM RATE TARIFF 17-A

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY

IN DUMP TRUCK EQUIPMENT FROM

DEFINED PRODUCTION AREAS TO DESIGNATED DELIVERY ZONES

AND POINTS IN SOUTHERN CALIFORNIA

BY

HIGHWAY CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

§(E) APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the rates and rules of this tariff, and increase the amount so computed by six (6) percent.
(SEE EXCEPTION)

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharge herein shall not apply to:

1. Paragraphs (b) and (c) in Item 120 - Application of Tariff--Rates;
2. Item 170 - Accessorial Charges (At Origin);
3. Item 180 - Accessorial Charges (At Destination);
4. Items 200 and 220 (Railhead-to-railhead charges only);
5. Item 280 - Collect on Delivery (C.O.D.) Shipment; and
6. Item 570 - Tarp Labor Charge.

(1) Supplement 49 becomes effective January 5, 1991

§(E) Expires February 6, 1991

§ Change, Decision

EFFECTIVE DECEMBER 19, 1990

EMERGENCY FUEL SURCHARGE SUPPLEMENT

⊘(E) SUPPLEMENT 34

(Cancels Supplement 31)

(Supplements 2, 7, 30, 32, 33⁽¹⁾ and 34 Contain All Changes)

TO

MINIMUM RATE TARIFF 20

NAMING

MINIMUM ZONE RATES AND RULES

FOR THE

TRANSPORTATION OF ROCK, SAND AND GRAVEL

IN FOUR- AND FIVE-AXLE DUMP TRUCK EQUIPMENT FROM

DEFINED PRODUCTION AREAS TO DESIGNATED DELIVERY ZONES

AND DISTANCE RATES

IN NORTHERN CALIFORNIA

BY

DUMP TRUCK CARRIERS

⊘(E) APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the rates and rules of this tariff, and increase the amount so computed by six (6) percent.
(SEE EXCEPTION)

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharge herein shall not apply to:

1. Items 180 and 190 - Accessorial Charges;
2. Item 195 - Tarp Labor Charge;
3. Items 200 and 220 (Railhead-to-railhead charges only); and
4. Item 280 - Collect on Delivery (C.O.D.) Shipment.

(1) Supplement 33 becomes effective January 5, 1991

⊘(E) Expires February 6, 1991

⊘ Change, Decision

EFFECTIVE DECEMBER 19, 1990