

ORIGINAL

Decision 83 01 004 JAN 12 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on )  
the Commission's own motion to )  
prepare and adopt rules and )  
regulations which would relieve )  
compensated intercorporate )  
transportation of property from )  
licensing and transportation rate )  
regulation. )

OIR 3  
(Rehearing granted  
January 5, 1982)

ORDER CORRECTING CLERICAL ERROR

By Decision (D.) 82-09-086 dated September 22, 1982 in OIR 3, compensated intercorporate hauling was exempted from licensing and transportation rate regulation.

Ordering Paragraph 1 of D.82-09-086 adopted General Order 146-A (Appendix A therein) but inadvertently did not cancel General Order 146. In addition, four references to General Order 146 in Appendix A should have read "General Order 146-A".

The necessary corrections should be made by this order and Appendix A of D.82-09-086 should be amended accordingly.

IT IS ORDERED that:

1. General Order 146 is canceled and superseded by General Order 146-A.

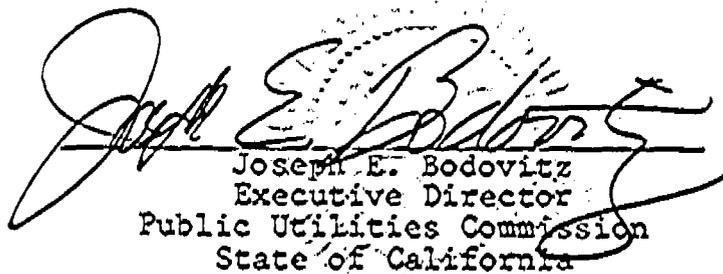
2. D.82-09-086 is amended by substituting the attached First Revised Pages 1, 2, and 3 of Appendix A for Original Pages 1, 2, and 3.

OIR 3 T/DL/AV/WPSC

This order is issued under Resolution A-4661.

This order is effective today.

Dated January 12, 1983, at San Francisco, California.



Joseph E. Bodovitz  
Executive Director  
Public Utilities Commission  
State of California

APPENDIX A  
First Revised Page 1

General Order 146-A  
(Supersedes General Order 146)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
RULES IMPLEMENTING COMPENSATED INTERCORPORATE HAULING  
EXEMPTION FOR HIGHWAY CARRIERS OF PROPERTY.

Adopted September 22, 1982. Effective October 22, 1982.

Decision 82-09-086 in OIR 3.

1. Carriers subject to the order: This General Order applies to any highway carrier which holds or requires operating authority from this Commission, that engages in transportation of property for compensation over the public highway for another corporation when the carrier and the corporation for which the transportation is provided are members of the same corporate family, as defined in paragraph 2 below. (This General Order does not apply when none of the participating members holds or requires operating authority issued by this Commission. Eligible corporate families in which none of the participants are under the jurisdiction of this Commission may engage in Compensated Intercorporate Hauling and are not subject to this General Order.)
2. Definitions: (a) Corporate Family means a parent corporation and all subsidiary corporations in which the parent corporation owns, directly or indirectly, a 100% interest. (b) Compensated Intercorporate Hauling (CIH) means transportation of property for compensation over the public highways by a corporation for another corporation when both such corporations are members of the same corporate family. The definition of the word "corporation" is set out in Public Utilities Code Section 3507.
3. Scope: Compensated transportation service by a member of a corporate family for other members of the same corporate family (Compensated Intercorporate Hauling) is exempt from Commission transportation rate and operating authority regulation established under provisions of the Public Utilities Code, subject to notice requirements. To qualify for the exemption, companies must be members of the corporate family in which the parent owns, directly or indirectly, 100% interest in the subsidiaries.

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4. Applicability: Highway carrier operations under the CIH referred to in paragraph 3 are now exempt. The notice required by this General Order must be filed with the Commission immediately.
5. Notification: Whenever a corporation seeks to initiate exempt CIH it shall submit the following statement to the Commission's Transportation Division:

"NOTICE OF INTENT TO ENGAGE IN COMPENSATED  
INTERCORPORATE HAULING OPERATIONS AS  
AUTHORIZED BY GENERAL ORDER 146-A

"This is to provide notice as required by General Order 146-A that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in such general order.

- "1. Name of parent corporation and address of principal office.
- "2. Wholly owned subsidiaries which will participate in the operations, and address of their respective principal offices as listed below:
  - "a.
  - "b.
  - "c.

"All notices shall be submitted by the parent of the corporate family, by or for whose members proposed compensated intercorporate hauling operations are to be performed. The notice shall include the following affidavit from a person legally qualified to act on behalf of the parent corporation:

"I affirm that \_\_\_\_\_  
is a corporation which directly or indirectly owns a 100%  
interest in the subsidiaries participating in compensated  
intercorporate hauling under General Order \_\_\_\_\_,  
listed in the attached notice."

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6. Changes in Participation in CIH:
  - a. If the parent intends that an additional subsidiary participate in CIH, it must file an updated notice.
  - b. Whenever the interest which a corporation owns in a subsidiary participating in CIH becomes less than 100%, operations under General Order 146-A, by or for that subsidiary, must be discontinued at once, and the parent must file an updated notice within 10 days.
7. Filing Fees: A notice required by General Order 146-A to engage in compensated intercorporate hauling or to change such notice on file with the Commission shall be accompanied by a fee of \$150.
8. Engagement of Subhaulers: Subhaulers as defined in General Order Series 102 shall not be engaged to provide transportation services subject to this General Order.
9. Daily Calendar: Notices of Intent to Engage in Compensated Intercorporate Hauling Operations and any changes shall be listed in the Commission's Daily Transportation Calendar.

Dated September 22, 1982, at San Francisco, California.

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA

By

  
Executive Director

(END OF APPENDIX A)

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Ordering Paragraph 1 of D.82-09-<sup>086</sup>~~86~~ adopted General Order 146-A (Appendix A therein) but inadvertently did not cancel General Order 146. In addition, four references to General Order 146 in Appendix A should have read "General Order 146-A".

The necessary corrections should be made by this order and Appendix A of D.82-09-<sup>086</sup>~~86~~ should be amended accordingly.

IT IS ORDERED that:

1. General Order 146 is canceled and superseded by General Order 146-A.
2. D.82-09-<sup>086</sup>~~86~~ is amended by substituting the attached First Revised Pages 1, 2, and 3 of Appendix A for Original Pages 1, 2, and 3.