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Decision No. 86509

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 general commodities in the Counties of Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma, and in the County of Alameda and in the City and County of San Francisco as provided in Minimum Rate Tariffs 1-B and 19, respectively, and the revisions or reissues thereof.

Case No. 5441  
Petition for Modification  
No. 348  
(Filed November 7, 1975;  
amended December 2, 1975,  
April 6 and 9,  
and May 14, 1976)

SUPPLEMENTAL OPINION AND ORDER

Decision No. 86507, entered today in Case No. 5432 (Petition 871) et al. found that rates and charges in Minimum Rate Tariffs 1-B and 19 should be made subject to certain increases and reductions and that amendment of the tariffs should be accomplished by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff 1-B (Appendix B of Decision No. 65834, as amended) is further amended by incorporating therein, to become effective October 30, 1976, Supplement 24, attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 19 (Appendix A of Decision No. 41363, as amended) is further amended by incorporating therein, to become effective October 30, 1976, Supplement 33, attached hereto and by this reference made a part hereof.

3. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decisions Nos. 65834 and 41363, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.

4. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariffs 1-B and 19 are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariffs 1-B and 19 rates.

5. Common carriers maintaining rates on the same level as Minimum Rate Tariffs 1-B and 19 rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariffs 1-B and 19 are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariffs 1-B and 19.

6. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariffs 1-B and 19 are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariffs 1-B and 19 rates.

7. Common carriers are authorized to establish in their tariffs increases not exceeding 10 percent in rates or charges subject to minimum weights of less than 10,000 pounds and 9 percent in rates or charges subject to minimum weights of 10,000 pounds or greater, subject to the submission of such financial and/or other data supporting the higher rates as the Commission shall require. On competitive rates no data beyond that already submitted in this case shall be required.

8. The base rates, on which the increases authorized by Ordering Paragraph 7 are to be applied, are the rates which were in effect prior to the increases authorized by Decisions Nos. 85349 and 85755. In no circumstance is the authority conferred by Ordering Paragraph 7 to be construed as authorizing that increase in addition to the increases ordered and/or authorized by Ordering Paragraphs 1 through 6.

9. Tariff publications resulting in minimum rate increases required or authorized to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than October 30, 1976 on not less than five days' notice to the Commission and to the public; such tariff publications as are required shall be made effective not later than October 30, 1976; as to minimum rate increases which are authorized but not required, the authority shall expire unless exercised within sixty days after the effective date of this order; and tariff publications resulting in reductions may be made effective not earlier than the fifth day after the effective date of this order, and may be made effective on not less than five days' notice to the Commission and to the public if filed not later than sixty days after the effective date of the minimum rate tariff pages incorporated in this order.

10. Tariff publications resulting in increases authorized by Ordering Paragraph 7 shall not be filed earlier than the effective date of this order and may be made effective not earlier than October 30, 1976 on not less than thirty days' notice to the Commission and to the public. This authority shall expire unless exercised within ninety days after the effective date of this order.

11. Common carriers, in establishing and maintaining the rates authorized by this order, are 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 rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

12. In all other respects Decisions Nos. 65834 and 41363, as amended, shall remain in full force and effect.

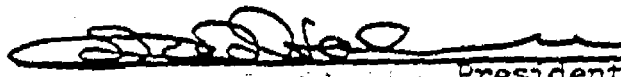
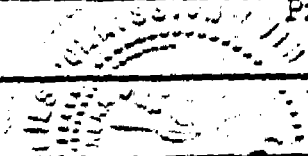


13. To the extent not granted herein, Petition 348, as amended, in Case No. 5441 is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 13th day of OCTOBER, 1976.

I dissent  
See my dissent D86507  
William Lyons, Jr.  
Commissioner

I dissent  
Vernon L. Sturgeon  
Commissioner

  
\_\_\_\_\_  
President  
  
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\_\_\_\_\_  
Commissioners

SPECIAL SUPPLEMENT INCREASE

SUPPLEMENT 24

(Cancels Supplement 22 and Interim Surcharge Supplement and Order to this tariff in Decision No. 85755 and Supplemental Interim Surcharge Supplement and Order to this tariff in Decision No. 85822)

(Supplements 16, 20, 22, (1)23 and 24 Contain All Changes)

TO

MINIMUM RATE TARIFF 1-B

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS WITHIN AND

BETWEEN THE CITIES OF

ALAMEDA ALBANY BERKELEY

EMERYVILLE OAKLAND PIEDMONT

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

CEMENT CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

APPLICATION OF SURCHARGE

(See Page 2 of this Supplement)

(1) Supplement 23 suspended Second Revised Page 14-A and was mailed only to parties of record to the proceeding and will not be mailed to all subscribers.

Decision No.

**86509**

EFFECTIVE

Issued by the  
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
State Building, Civic Center  
San Francisco, California 94102

APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the provisions of this tariff, including any surcharges applicable thereto under other supplements to this tariff, and increase the amount so computed as follows:

1. By six percent (6%) on charges computed upon rates subject to minimum weights of 40,000 pounds and over.
2. By seven percent (7%) on charges computed upon rates subject to minimum weights of 10,000 pounds but less than 40,000 pounds.
3. By eight percent (8%) on all other rates and charges.

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

EXCEPTIONS: The surcharge provided in this supplement shall not be applied to those charges determined under provisions of this tariff specified below:

- (a) Item 130, Alternative Application of Common Carrier Rates (railhead to railhead portion only).
- (b) Item 152, Collect on Delivery (C.O.D.) Shipments.
- (c) Item 160, Charges for Escort Service.
- (d) Item 180, Failure to Accomplish Delivery.
- (e) Item 850, Parcel Rates.

THE END

SPECIAL INCREASE SUPPLEMENT

SUPPLEMENT 33

(Cancels Supplement 31 and Interim Surcharge Supplement and Order to this tariff in Decision No. 85755 and Supplemental Interim Surcharge Supplement and Order to this tariff in Decision 85822)

(Supplements 29, (1) 32 and 33 Contain All Changes)

TO

MINIMUM RATE TARIFF 19

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS

OF THE

CITY AND COUNTY OF SAN FRANCISCO

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

APPLICATION OF SURCHARGE

(See Page 2 of This Supplement)

(1) Supplement 32 suspended the effective date of Second Revised Page 15-B and was mailed only to parties of record to the proceeding and will not be mailed to all subscribers.

Decision No.

**86509**

EFFECTIVE

Issued by the  
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
State Building, Civic Center  
San Francisco, California 94102

## APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the provisions of this tariff, including any surcharges applicable thereto under other supplements to this tariff, and increase the amount so computed as follows:

1. By six percent (6%) on charges computed upon rates subject to minimum weights of 40,000 pounds and over.
2. By seven percent (7%) on charges computed upon rates subject to minimum weights of 10,000 pounds but less than 40,000 pounds.
3. By eight percent (8%) on all other rates and charges.

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

EXCEPTIONS: The surcharge provided in this supplement shall not be applied to those charges determined under provisions of this tariff specified below:

- (a) Item 104, Charges for Escort Service.
- (b) Item 112, Collect on Delivery (C.O.D.) Shipments.
- (c) Item 140, Delays in Delivery.
- (d) Item 265, Alternative Application of Common Carrier Rates (railhead to railhead portion only).
- (e) Item 425, Parcel Rates.

THE END