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Decision No. 86511

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 trans-
portation of petroleum and petroleum
products in bulk, in tank truck
equipment statewide as provided in
Minimum Rate Tariff 6-B and the
revisions or reissues thereof.

Case No. 5436
Petition for Modification
No. 194
(Filed July 16, 1975; amended
July 2, 1976 and August 4, 1976)

SECOND INTERIM OPINION

By this petition, as amended, California Trucking Association (CTA) seeks increases in the minimum rates named in Minimum Rate Tariff 6-B (MRT 6-B) up to 16 percent. By amendment filed August 4, 1976 CTA requests immediate relief pending hearing and final determination in the form of a surcharge increasing the present rates and charges from 2 to 12 percent. According to petitioner, such increases are necessary to offset the cost of increased wages and wage related costs which have been in effect since July 1, 1976.

Public hearing in this matter is now scheduled for December 2 and 3, 1976. As it will be impossible to make a final determination for several months we will grant an additional upward adjustment of one percent pending hearing.

We have this date in Application No. 56699 authorized common carriers to increase their rates up to 6 percent. The minimum rate increase provided here will require highway permit carriers to increase rates and charges by one percent and allow increases above that point to a level circumstances will permit.

Findings

1. The ex parte interim surcharge increases in rates and charges of one percent established in the order which follows are just, reasonable, and nondiscriminatory minimum rates and charges for the transportation services governed thereby.

2. To the extent that the provisions of MRT 6-B have been found to constitute reasonable minimum rates and rules for common carriers defined in the Public Utilities Code, those provisions as hereinafter adjusted will be reasonable minimum rate provisions for those carriers. To the extent that the existing rates and charges of common carriers for the transportation involved are less in volume or effect than the minimum rates and charges herein designated as reasonable for said carriers, such lower rates and charges are for the future unjust and unreasonable.

Conclusions

1. Petition for Modification No. 194 in Case No. 5436 should be granted to the extent provided in the order herein and MRT 6-B amended accordingly.

2. Common carriers should be authorized to depart from the long- and short-haul provisions of Section 461.5 of the Public Utilities Code and the Commission's tariff circular requirements only to the extent necessary to publish the cost offset surcharges ordered herein.

3. The effective date of this order should be the date on which it is signed because there is an immediate need for rate relief.

SECOND INTERIM ORDER

IT IS ORDERED that:

1. Minimum Rate Tariff 6-B (Appendix A to Decision No. 82350, as amended) is further amended by incorporating therein, to become effective October 30, 1976, Supplement 7, attached hereto and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decision No. 82350, as amended, are hereby directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.
3. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff 6-B are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 6-B rates.
4. Common carriers maintaining rates on the same level as Minimum Rate Tariff 6-B rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 6-B are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 6-B rates.
5. 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 Tariff 6-B are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 6-B rates.
6. Tariff publications 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 the fifth day after the effective date of this order, 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; and as to tariff publications which are authorized but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

7. Common carriers are authorized to depart from the Commission's General Order No. 80-A requirements only to the extent necessary in establishing the interim surcharges authorized by this order.

8. 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.

9. In all other respects Decision No. 82350, as amended, shall remain in full force and effect.

10. Public hearing shall be scheduled in this proceeding for the receipt of evidence relative to the final disposition of Petition No. 194.

The effective date of this order is the date hereof.

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

I dissent
I have removed my name.
William Lyons, Jr.
Commissioner

~~_____~~
~~_____~~ President
~~_____~~
~~_____~~
_____ Commissioner
_____ Commissioner

I dissent
Vernon L. Sturgeon
Commissioner

SPECIAL INCREASE SUPPLEMENT

SUPPLEMENT 7

(Cancels Supplements 5 and 6)
(Supplement 7 Contains All Changes)

TO
MINIMUM RATE TARIFF 6-B
NAMING
MINIMUM RATES AND RULES
FOR THE
TRANSPORTATION OF
PETROLEUM AND PETROLEUM PRODUCTS
(AS DESCRIBED HEREIN)
WHEN TRANSPORTED IN BULK IN TANK TRUCKS,
TANK TRAILERS OR TANK SEMITRAILERS
OVER THE PUBLIC HIGHWAYS WITHIN
THE STATE OF CALIFORNIA
BY
PETROLEUM CONTRACT CARRIERS

APPLICATION OF SURCHARGES
(See Page 2 of this Supplement)

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EFFECTIVE

APPLICATION OF SURCHARGES

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

1. Eight percent (8%) when the distance or special commodity rates named in Section 3 of the tariff are employed to compute charges.
2. Seven percent (7%) when the vehicle unit volume tender rates named in Section 4 of the tariff are employed to compute charges.
3. Five percent (5%) when the provisions of this tariff specified below are applied:
 - (a) Paragraph 3(a) of Item 170 (Loading and/or Unloading of Equipment).
 - (b) Paragraph 1(a) and the Extra Labor charge in Paragraph 4 of Item 260 (Accessorial Services).
 - (c) Item 280 (Internal Cargo Tank Cleaning).
 - (d) Paragraph 3(b) and Notes 7, 15 and 16 of Item 500 (Daily Vehicle Unit Volume Tender Rates).
 - (e) Paragraph 3(c) and Notes 7, 15, 16 and 19(b) of Item 510 (Monthly Vehicle Unit Volume Tender Rates).
 - (f) Paragraph 3(c) and Notes 7, 15 and 16 of Item 520 (Yearly Vehicle Unit Volume Tender Rates).

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

- Item 80, Alternative Application of Common Carrier Rates.
- Item 90, Alternative Application of Combinations with Common Carrier Rates (railhead to railhead portion only).
- Item 130, Collect on Delivery (C.O.D.) Shipments.
- Item 500, Daily Vehicle Unit Volume Tender Rates (Notes 9 and 11).
- Item 510, Monthly Vehicle Unit Volume Tender Rates (Notes 9 and 11).
- Item 520, Yearly Vehicle Unit Volume Tender Rates (Notes 9 and 11).

THE END

◊Increase, Decision No.

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