

ORIGINAL

Decision No. ~~86956~~

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga- )  
tion for the purpose of consider- )  
ing and determining minimum rates )  
for transportation 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. 234  
(Filed January 26, 1977)

OPINION AND ORDER

By this petition, California Trucking Association seeks to have established in Minimum Rate Tariff 6-B (MRT 6-B) special monthly volume tender rates for the transportation of petroleum and petroleum products in bulk in tank truck equipment. The proposed rates would apply from origins located in the San Francisco and San Pablo Bay Areas to points in Del Norte and Humboldt Counties.

Petitioner alleges that, for many years, petroleum shippers have had available marine storage facilities at Eureka at which they could accept delivery of their products in volume amounts, arriving by sea-going barge from their refining facilities in the general San Francisco Bay Area. Distribution to consumers has then been made by both highway carriers and proprietary equipment. Shippers have utilized provisions of Item 400 (mileage rates) and Item 500 (daily volume tender rates) of MRT 6-B in tendering traffic to highway carriers. Such traffic has moved to the environs of Eureka on an extremely short-haul basis.

According to petitioner, recent implementation of environmental regulations in the Eureka area has resulted in

the restriction of available marine terminal facilities. There is now the immediate necessity to move a large volume of this traffic over the highway from the San Francisco and San Pablo Bay Areas in order to afford consumers in the affected area the needed petroleum product supply.

Petitioner avers that the present volume tender rates cannot be utilized since most of the destinations are not within 250 miles of the involved origin points as required under the provisions of MRT 6-B. Petitioner proposes specific rates in cents per gallon subject to a minimum offering of 500,000 gallons to move within a 30-consecutive-day period.

Copies of the petition were mailed to various interested parties. The petition was listed on the Commission's Daily Calendar of January 27, 1977. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that:

1. The water facilities at Eureka are no longer available for barge service.
2. The north coast area of California will continue to require the petroleum and petroleum products formerly handled by barge.
3. Land transport is the only alternative to supply this area.
4. Petitioner's proposal is reasonable and justified and will result in just, reasonable and nondiscriminatory rates and charges for the transportation involved.

The Commission concludes that the petition should be granted and the effective date of this order should be the date hereof because there is an immediate need for this rate relief. A public hearing is not necessary.

IT IS ORDERED that:

1. Minimum Rate Tariff 6-B (Appendix A to Decision 82350, as amended) is further amended by incorporating therein, to become effective February 19, 1977, First Revised Page 44-B, Original Page 44-C and Original Page 44-D 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 82350, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.
3. Tariff publications authorized to be made by common carriers as a result of the order herein may be made effective on not less than one day's 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.
4. Common carriers, in establishing and maintaining the changes 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 changes published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.
5. In all other respects, Decision 82350, as amended, shall remain in full force and effect.

C. 5436 (Pet. 234) - PNK/gjw

The effective date of this order is the date hereof.

Dated at San Diego, California, this 8<sup>th</sup> day of February,

1977.

*Robert B. ...*

President

*William ...*

*...*

*...*

*...*

Commissioners

SECTION 4--VEHICLE UNIT RATES (Continued)

ITEM

SPECIAL MONTHLY VOLUME TENDER COMMODITY RATES  
 (Not subject to the provisions of Supplement 8)

(1) The rates provided in this item apply only when transportation is performed subject to and in accordance with the provisions of this item, and apply when carrier's unit(s) of equipment is (are) used to transport commodities as described in Rate Groups A, B, C or I of Item 30 from and to points as indicated.

(2) The provisions of this item apply only when prior to the transportation of the property the consignor has requested verbally or in writing that transportation be performed under the provisions of this item and has elected a 30 day tender under the provisions of Special Monthly Volume Tender Commodity Rate; and has advised the date transportation service is to be commenced. In the event that the request is made verbally, the consignor shall place a confirming written request in the United States Mail the same day that the verbal request is made. (For form of agreement, see Item 530.)

(3) The provisions of this item will apply only when the carrier has been tendered a minimum offering of 500,000 gallons to move within the 30 consecutive day period.

(4) All applicable charges must be paid by the consignor.

\*6526

Rates In Cents Per Gallon Per Shipment @ (Subject To Notes 1 Through 7)		
From: Avon, Benicia, Martinez, Oakland, Oleum, Richmond		
To	Rate Group A	Rates Groups B & C
Arcata	4.60	5.34
Blue Lake	4.60	5.34
Crescent City	6.15	7.00
Eureka	4.50	5.22
Fortuna	4.25	4.90
Garberville	3.60	4.20
Klamath	5.75	6.66
Korbel	4.60	5.34
Shelter Cove	4.00	4.64

@ Includes transportation of commodities described in Rate Group I.

(Continued on next page)

(1) Item 530 transferred to Original Page 44-D.

\* Addition )  
 o Reduction ) Decision No. 86956

EFFECTIVE FEBRUARY 19, 1977

Correction 99

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
 SAN FRANCISCO, CALIFORNIA.

SECTION 4--VEHICLE UNIT RATES (Continued)

ITEM

SPECIAL MONTHLY VOLUME TENDER COMMODITY RATES (Concluded)  
(Not subject to the provisions of Supplement 8)

NOTE 1.--In the application of rates provided in this item, shippers and consignees must have their premises available to carriers to permit loading and unloading in an order that will allow carrier to maintain a twenty-four(24) hour a day schedule.

NOTE 2.--As used in this item a "30-day tender" shall mean 720 consecutive hours.

NOTE 3.--All shipments must be tendered and loaded within the 720 consecutive hour period. A shipment loaded but not delivered within the 720 hour consecutive period will be completed and charged under the provisions of this item.

NOTE 4.--Carrier will allow a total of one and one-half(1½) hours as free time for the completion of loading and unloading. A charge of \$4.50 for each fifteen(15) minutes (or fraction thereof) shall be assessed for the time carrier's equipment is detained through no fault of the carrier to complete loading or unloading in excess of the free time specified above.

NOTE 5.--Transportation charges shall be assessed upon units of carrying capacity as follows:

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(Con-  
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Commodities (As described in Item 30) Rate Group	Minimum Gallons Per Unit of Carrier's Equipment
A	9,000
B	8,750
C	7,950

Subject to legal carrying capacity of carrier's unit of equipment.

NOTE 6.--When transportation is performed under the provisions of this item, the following rules will not apply:

- Item 160 - Demurrage or detention charges
- Item 190 - Minimum Charge
- Item 210 - Issuance of shipping documents

\* Addition )  
o Reduction ) Decision No. 86956

EFFECTIVE FEBRUARY 19, 1977

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
SAN FRANCISCO, CALIFORNIA.

Correction 100

SECTION 4--VEHICLE UNIT RATES (Concluded)	ITEM
<p><b>WRITTEN AGREEMENT</b></p> <p>Prior to the transportation of any commodities as described in Item 30 under the provisions of Items 500, 510, 520, 523, 525 or *526, the shipper must enter into a written or verbal agreement with the carrier.</p> <p>The agreement shall contain the following information, which shall be pertinent to the requirements of the item under which the transportation is to be performed:</p> <ol style="list-style-type: none"> <li>(1) Name and address of carrier.</li> <li>(2) Name and address of shipper.</li> <li>(3) Date of engagement.</li> <li>(4) Calendar period of agreement.</li> <li>(5) Rates and other charges agreed upon.</li> <li>(6) Size and type of equipment to be used.</li> <li>(7) The agreement shall be in substantially the following form:</li> </ol> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: right;">Date _____</p> <p>In accordance with the provisions of Items 500, 510, 520, 523, 525 or *526, of Minimum Rate Tariff 6-B, I hereby request to have Petroleum and Petroleum Products as described in Item 30 of said tariff, transported by _____</p> <p style="text-align: center;">(Name of Carrier)</p> <p>under the rates, charges and provisions of Items (SPECIFY ITEM REQUESTED) of said tariff, subject to the following terms: (Indicate only those terms applicable to the individual rate item in Section 4 under which transportation is to be performed).</p> <p>Date of engagement-----                      Calendar period of agreement-----                      Capacity of unit of equipment-----                      Identification of equipment-----                      Charge per unit of equipment for calendar period----- (to be prepaid)                      Additional charge per hour-----                      Additional charge per mile-----                      Excess charge per hour-----                      Excess charge per mile-----                      Charge for additional service-----</p> <p>In the event that a change is made in the minimum rates, the portion of the week or month prior to the effective date of the change will be prorated at the former rates and the remaining days in the week or month will be prorated at the new rates.</p> <p>Shipper _____ By _____                      (Name in full) (Name in full)</p> <p>Address _____</p> <p>Confirmed:</p> <p>Carrier _____ By _____                      (Name in full)</p> <p>Address _____</p> </div>	<p>530</p>
<p>(1) For provisions formerly in effect see Original Page 44-B.</p> <p>                     ♂ Change     ) Decision No. <b>86956</b>                      * Addition   )                 </p>	
<p><b>EFFECTIVE</b></p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,                      SAN FRANCISCO, CALIFORNIA.</p>	
<p>Correction</p>	