

ORIGINAL

Decision No. 87148

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 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. 229
 (Filed December 22, 1976)
 Petition for Modification
 No. 233
 (Filed January 18, 1977)

OPINION AND ORDER

Minimum Rate Tariff 6-B (MRT 6-B) names rates and rules governing the statewide transportation of bulk petroleum and petroleum products in tank truck equipment. By Petitions 229 and 233, California Trucking Association (CTA) respectively seeks the establishment in MRT 6-B of special monthly vehicle unit volume tender "Plan A" and "Plan B" rates in cents per gallon per shipment, on an experimental basis. The proposed Plan A rates would apply from points of origin located within 5 miles of Ventura to points of destination in California located within 250 miles of said point of origin. The proposed Plan B rates would apply from Bakersfield to destinations located within 250 miles of Bakersfield.

Minimum volume tender rates are currently provided in MRT 6-B on a daily, monthly and yearly basis and through the assessment of these rates the for-hire carriers are able to compete more effectively with the proprietary operators. Throughout the years, it has been recognized that more petroleum products have been transported under the volume tender rates than the otherwise applicable distance commodity rates of MRT 6-B. Petitioner states that shippers have expressed an increasing desire to know, in

advance of the normal billing period, the levels of the freight cost per gallon.

Petitioner asserts that the proposals are oriented to locations having the greatest potential for utilization predicated upon past experiences. Petitioner alleges that the proposed tariff changes have been discussed with both interested shippers and carriers and have been the subject of public docketing.

Copies of the petitions were mailed to various shippers, shippers organizations and carriers on or about December 23, 1976 and January 18, 1977. The petitions were listed on the Commission's Daily Calendar of December 27, 1976 and January 20, 1977. No objection to the granting of the petitions has been received.

In the circumstances, the Commission finds that the proposed rates are justified and will result in just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. The Commission concludes that the petitions should be granted as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need for this relief.

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 April 11, 1977, the revised pages set forth in Appendix A 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 herein.

3. Tariff publications authorized to be made by common carriers as a result of the order herein 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.

4. Common carriers, in establishing and maintaining the rates authorized hereinabove, are hereby 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.

5. In all other respects Decision 82350, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 29th day of March, 1977.

Robert Bateman
President
William S. Brown
Thomas L. Sturgeon
Alvin
Richard D. Howell
Commissioners

C. 5436 (Pets. 229 & 233)

APPENDIX A

LIST OF ORIGINAL AND REVISED PAGES
TO MINIMUM RATE TARIFF 6-B

FIRST	REVISED	PAGE	44-D
ORIGINAL		PAGE	44-E
ORIGINAL		PAGE	44-F
ORIGINAL		PAGE	44-G
ORIGINAL		PAGE	44-H
ORIGINAL		PAGE	44-I

(END OF APPENDIX A)

SECTION 4--VEHICLE UNIT RATES (Continued)						ITEM
<p>SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "Plan A" (Not Subject to the Provisions of Supplement B)</p> <p>(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 to is (are) used to transport commodities as described in Rate Groups A, C or I of Item 30 from points of origin located within 5 miles of Ventura to points of destination in California located within 250 miles of said point of origin.</p> <p>(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 Special Monthly Vehicle Unit Volume Tender Plan A and charges are prepaid; provided that if requested verbally, the consignor shall place a confirming written request in the United States mail the same day as verbally requested. (For form of agreement see Item 530.)</p> <p>(3) The provisions of this item will apply for the use of a unit or units of carrier's equipment during a calendar month beginning with the first day of the month following notification and thereafter during each subsequent calendar month period until cancelled.</p> <p>(4) Rates for transportation will be based upon the minimum loaded miles for each week of the monthly volume tender period and will be determined as follows:</p>						
<p>RATES IN CENTS PER GALLON PER SHIPMENT * FOR RATE GROUPS SHOWN (Subject to Notes 1 through 13)</p>						
<p>MINIMUM LOADED MILES PER EACH WEEK OF VOLUME TENDER PERIOD</p>						
LOADED MILES PER SHIPMENT		1200 to 1499	1500 to 1799	1800 to 2199	2200 and Over	*06 (F) 527
Over	But Not Over	Rate Group A C	Rate Group A C	Rate Group A C	Rate Group A C	
0	5	0.42 0.48	0.40 0.46	0.39 0.44	0.37 0.42	
5	10	0.45 0.51	0.43 0.48	0.41 0.46	0.39 0.44	
10	15	0.50 0.55	0.47 0.53	0.45 0.50	0.43 0.48	
15	20	0.54 0.61	0.52 0.58	0.49 0.56	0.47 0.53	
20	25	0.60 0.67	0.57 0.64	0.55 0.61	0.52 0.58	
25	30	0.66 0.74	0.63 0.71	0.66 0.67	0.57 0.64	
30	40	0.77 0.86	0.73 0.82	0.70 0.78	0.66 0.74	
40	50	0.90 1.01	0.85 0.97	0.81 0.92	0.77 0.87	
50	60	1.05 1.23	1.00 1.17	0.95 1.11	0.90 1.06	
60	70	1.22 1.40	1.16 1.34	1.10 1.27	1.05 1.21	
70	80	1.36 1.57	1.29 1.49	1.23 1.42	1.17 1.35	
80	90	1.50 1.75	1.43 1.66	1.36 1.58	1.29 1.51	
90	100	1.65 1.91	1.57 1.82	1.50 1.73	1.42 1.65	
100	110	1.79 2.09	1.71 1.99	1.63 1.89	1.55 1.80	
110	120	1.95 2.25	1.85 2.15	1.77 2.04	1.68 1.94	
(Continued on next page)						
* Includes transportation of commodities described in Rate Group I.						
(1) Item 530 transferred to Original Page 44-I.						
(E) Expires with December 31, 1977.						
* Addition) o Increase) Decision No. 87148 o Reduction)						
EFFECTIVE						
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.						
Correction						

SECTION 4--VEHICLE UNIT RATES (Continued)										ITEM
SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "Plan A" (Not Subject to the Provisions of Supplement 8)										
RATES IN CENTS PER GALLON PER SHIPMENT # FOR RATE GROUPS SHOWN (Subject to Notes 1 through 13)										
MINIMUM LOADED MILES PER EACH WEEK OF VOLUME TENDER PERIOD										
LOADED MILES PER SHIPMENT		1200 to 1499		1500 to 1799		1800 to 2199		2200 and Over		
Over	But Not Over	Rate Group		Rate Group		Rate Group		Rate Group		
		A	C	A	C	A	C	A	C	
120	130	2.09	2.42	1.99	2.30	1.89	2.19	1.80	2.08	
130	140	2.23	2.60	2.12	2.47	2.02	2.35	1.92	2.24	
140	150	2.38	2.76	2.27	2.63	2.16	2.50	2.05	2.38	
150	160	2.53	2.93	2.41	2.79	2.29	2.65	2.18	2.52	
160	170	2.67	3.10	2.54	2.96	2.42	2.81	2.30	2.67	
170	180	2.82	3.27	2.69	3.11	2.56	2.96	2.43	2.82	
180	190	2.96	3.44	2.82	3.28	2.69	3.12	2.55	2.97	
190	200	3.11	3.61	2.97	3.44	2.83	3.27	2.68	3.11	
200	210	3.26	3.78	3.10	3.60	2.95	3.42	2.81	3.25	
210	220	3.41	3.95	3.25	3.76	3.09	3.59	2.94	3.41	
220	230	3.55	4.12	3.38	3.92	3.22	3.73	3.06	3.55	
230	240	3.69	4.30	3.52	4.09	3.35	3.90	3.18	3.70	
240	250	3.85	4.51	3.66	4.25	3.49	4.05	3.31	3.84	

Includes transportation of commodities described in Rate Group I.

NOTE 1.--The rate column applicable to all shipments transported under the provisions of this item, shall be determined by adding all loaded miles traveled on all shipments in one week. The mileage rate applicable to each individual shipment will be determined in accordance with the governing distance table.

NOTE 2.--The term "week" means that period commencing at 12:01 A.M. on the first day of the calendar month and continuing for 7 consecutive days and each immediate 7 consecutive day period thereafter.

NOTE 3.--Any shipments completely loaded prior to 12 o'clock midnight of the 7th day of the week shall be included in that week.

NOTE 4.--Carrier will issue a freight bill and supporting documents for each weekly period as defined herein, which shall provide the following:

- | | |
|---------------------------------|---------------------------------|
| (A) Date each load transported | (E) Type of products |
| (B) Bill of lading numbers | (F) Loaded mileage of each load |
| (C) Points of destinations | (G) Transportation charges |
| (D) Gallons of products charged | (H) Accessorial charges |

(Continued on next page)

(E) Expires with December 31, 1977.

* Addition)
o Increase) Decision No.
o Reduction)

87148

EFFECTIVE

Correction

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

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM				
<p style="text-align: center;">SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "Plan A" (Not Subject to the Provisions of Supplement 8)</p> <p>NOTE 5.--Rates provided in Rate Group A shall apply on gasoline as described in Rate Group A of Item 30, and rates provided in Rate Group C shall apply on diesel fuel as described in Rate Group C of Item 30.</p> <p>NOTE 6.--The following minimum gallons per load shall apply on all transportation provided under this item except as provided in Note 7:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 40px;">Gasoline</td> <td>8,950 Gallons</td> </tr> <tr> <td>Diesel Fuel</td> <td>7,800 Gallons</td> </tr> </table> <p>NOTE 7.--Mixed shipments consisting of commodities listed in Rate Groups A and C shall be subject to a minimum of 8,350 gallons per unit. Charges will be computed at the separate rate applicable for each commodity in the shipment. When a mixed shipment in less than 8,350 gallons, the rate to apply on the deficit gallonage, necessary to satisfy the required minimum, will be assessed on the rate applicable to the lowest rated commodity in the shipment.</p> <p>NOTE 8.--Carrier will allow a total of one and one-quarter (1 1/4) hours as free time for the completion of loading and unloading. A charge of \$4.00 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.</p> <p>NOTE 9.--Collect on delivery (C.O.D.) shipments will be transported under the provisions of this item, subject to an additional charge of \$3.00 per collection with a maximum charge of \$9.00 per week.</p> <p>NOTE 10.--Carrier will not be obligated to furnish more than one unit of equipment for the transportation service provided for herein. Such equipment furnished by carrier shall meet prevailing environmental regulations in the geographical scope of this item. A unit of equipment shall consist of a truck; a truck and trailer combination; a tractor-semitrailer combination, or, a tractor-double trailer combination.</p> <p>NOTE 11.--Upon notice of cancellation of service under this item, the provisions of this item shall continue through the last day of the calendar month. Any service period less than a week will be rated by averaging the weekly loaded miles for the preceding four weeks and applying the appropriate rate group. Such fractional service period shall not be subject to Note 12.</p> <p>NOTE 12.--After transportation service has begun under the provisions of this item, any service performed in a week which results in less than 1,200 loaded miles will be subject to the provisions of Item 400, subject to a minimum charge of \$500.00 per week whether transportation has been performed or not.</p> <p>NOTE 13.--When transportation is performed under this item, the following rules will not apply:</p> <ul style="list-style-type: none"> Item 130 - Collect on Delivery Shipments Item 160 - Demurrage or Detention Charges Item 190 - Minimum Charge Item 200 - Mixed Shipments Item 210 - Issuance of Shipping Documents Item 290 - Vapor Recovery and/or Bottom Loading Equipment. 		Gasoline	8,950 Gallons	Diesel Fuel	7,800 Gallons
Gasoline	8,950 Gallons				
Diesel Fuel	7,800 Gallons				
<p>(F) Expires with December 31, 1977.</p>					
<p>* Addition) ◊ Increase) Decision No. ◊ Reduction)</p>	<p>87148</p>				
<p>EFFECTIVE</p>					
<p>Correction</p>	<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>				

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SECTION 4--VEHICLE UNIT RATES (Continued)

ITEM

SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "PLAN B"
(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 Bakersfield to points in California located within 250 miles of Bakersfield.

(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 Vehicle Unit Volume Tender Plan B; 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) All applicable rates and charges must be paid by the consignor and shall be applied subject to Notes 1 through 11, as follows:

Miles But Not Over		Rates in Cents Per Gallon Per Shipment ¹			
		Rate Group (4)		Rate Group (5)	
		A	B.C	A	B.C
0	5	.36	.40	.34	.39
5	10	.42	.42	.40	.45
10	15	.47	.53	.44	.50
15	20	.54	.61	.51	.58
20	25	.60	.67	.57	.64
25	30	.66	.74	.63	.71
30	35	.73	.82	.70	.78
35	40	.80	.90	.76	.86
40	45	.87	.98	.82	.93
45	50	.93	1.06	.89	1.01
50	60	1.08	1.17	1.03	1.12
60	70	1.17	1.37	1.12	1.31
70	80	1.35	1.53	1.28	1.46
80	90	1.49	1.69	1.42	1.61
90	100	1.63	1.84	1.55	1.76
100	110	1.76	2.00	1.68	1.91
110	120	1.91	2.16	1.82	2.05
120	130	2.04	2.31	1.95	2.20
130	140	2.18	2.47	2.08	2.35
140	150	2.33	2.63	2.22	2.50
150	160	2.46	2.79	2.34	2.65
160	170	2.60	2.94	2.47	2.80
170	180	2.74	3.10	2.61	2.95
180	190	2.88	3.26	2.74	3.10
190	200	3.01	3.42	2.87	3.25
200	210	3.16	3.57	3.01	3.40
210	220	3.29	3.73	3.14	3.55
220	230	3.43	3.89	3.26	3.70
230	240	3.57	4.04	3.40	3.85
240	250	3.71	4.20	3.53	4.00

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¹ Includes transportation of commodities described in Rate Group 1.

(4) Applies on volumes of 750,000 gallons but less than 1,000,000 gallons per month.

(5) Applies on volumes of 1,000,000 gallons or more per month.

(F) Expires with December 31, 1977.

* Addition)
o Increase) Decision No.
o Reduction)

87148

EFFECTIVE

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

Correction:

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM								
<p>SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "PLAN B" (Not Subject to the Provisions of Supplement B)</p>									
<p>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.</p> <p>NOTE 2.--As used in this item a "30-day tender" shall mean 720 consecutive hours.</p> <p>NOTE 3.--Carrier is not obligated to assign more than one unit of carrier's equipment to haul the total gallonage offered for transportation; such unit of carrier's equipment to contain no meters nor pumps. However, carrier agrees that each unit furnished for the transportation services provided for in this item will comply with local, state and federal environmental regulations applicable within the geographical scope of the provisions of this item. (See Note 4).</p> <p>NOTE 4.--Shipments which require pumps or meters will be accepted and shall be rated under the provisions of Item 400 of this tariff. The charges of such shipments may be used to make up the minimum charge requirements of this item.</p> <p>NOTE 5.--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.</p> <p>NOTE 6.--Mileage applicable in connection with this item shall be computed in accordance with Item 150.</p> <p>NOTE 7.--Carrier will allow a total of one and one-quarter (1 1/4) hours a free time for the completion of loading and unloading. A charge of \$4.00 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.</p> <p>NOTE 8.--When transportation is performed under the provisions of this item, the following rules will not apply:</p> <ul style="list-style-type: none"> Item 160 - Demurrage or Detention Charges Item 210 - Issuance of Shipping Documents Item 190 - Minimum Charge, except when transported subject to Item 400 pursuant to provisions of Note 4. Item 290 - Vapor Recovery and/or Bottom Loading Equipment. <p>NOTE 9.--Transportation charges shall be assessed by computing mileage from point of origin to point of destination which shall be determined in accordance with the method provided in the governing distance table (see Item 150).</p> <p>NOTE 10.--Transportation charges shall be assessed upon units of carrying capacity as follows:</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Commodities (As described in Item 30) Rate Group</th> <th style="text-align: center;">Minimum Gallons Per Unit of Carrier's Equipment</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A</td> <td style="text-align: center;">9,000</td> </tr> <tr> <td style="text-align: center;">B</td> <td style="text-align: center;">8,750</td> </tr> <tr> <td style="text-align: center;">C</td> <td style="text-align: center;">7,950</td> </tr> </tbody> </table> <p>NOTE 11.--Rates provided in this item are subject to a minimum charge of \$5,725.00 per 30 day tender. Minimum charge shall be exclusive of any accessorial service charges which may be assessed.</p>		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
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								
<p>(E) Expires with December 31, 1977.</p>									
<p>* Addition) ◊ Increase) Decision No. 87148 ◊ Reduction)</p>									
EFFECTIVE									
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.									
Correction									

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SECTION 4--VEHICLE UNIT RATES (Concluded)

ITEM

WRITTEN AGREEMENT

Prior to the transportation of any commodities as described in Item 30 under the provisions of Items 500, 510, 520, 523, 525, 526, *527 or 528, the shipper must enter into a written or verbal agreement with the carrier.

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:

- (1) Name and address of carrier.
- (2) Name and address of shipper.
- (3) Date of engagement.
- (4) Calendar period of agreement.
- (5) Rates and other charges agreed upon.
- (6) Size and type of equipment to be used.
- (7) The agreement shall be in substantially the following form:

Date _____

In accordance with the provisions of Items 500, 510, 520, 523, 525, 526, *527 or 528, 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 _____

(Name of Carrier)

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).

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-----

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.

Shipper _____ By _____
 (Name in full) (Name in full)

Address _____

Confirmed:

Carrier _____ By _____
 (Name in full)

Address _____

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(1) For provisions formerly in effect see Original Page 44-D.

Change) Decision No. 87148
 * Addition)

EFFECTIVE

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

Correction