

Decision No. 87440 June 7, 1977

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. 355
(Filed March 8, 1976)

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 87438 entered today in Case No. 5432 et al., the Commission found that a tariff incentive rule to promote the tender of shipments on a prepaid basis should be established in Minimum Rate Tariffs 2, 1-B, 9-B, and 19. The decision also provided that Minimum Rate Tariffs 1-B and 19 should be amended 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 July 9, 1977, Sixth Revised Page 2-A, Third Revised Page 19-A, and Original Page 27-B, 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 July 9, 1977, Twenty-third Revised Page 2, Twenty-fifth Revised Page 19, and Twenty-sixth Revised Page 24, 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 to Decisions Nos. 65834 and 41363, as amended, are hereby authorized to establish in their tariffs the amendments necessary to conform with the further adjustments ordered herein.

4. Tariff publications 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, 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.

5. 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.

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

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 7th day of JUNE, 1977.

Robert Bateman
President
William Lyons Jr.
Vernon L. Sturgeon
Arthur D. Corvalla
Commissioners

MINIMUM RATE TARIFF I-B

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<p> * Change) * Addition) Decision No. 87440 </p>		
<p>EFFECTIVE</p>		
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>		
<p>Correction</p>		

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">(1) COLLECTION OF CHARGES</p> <p style="text-align: center;">*(For Prepay Incentive Provisions see Item 290)</p> <p>(a) Except as otherwise provided in this rule, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</p> <p>(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges accruing during a calendar month to those who undertake to pay them, such persons hereinafter being called debtors, and collection thereof made not later than the tenth day (excluding Saturdays, Sundays and legal holidays) of the calendar month following the delivery of the freight.</p> <p>(c) Where a carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges is thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors not later than 12 o'clock midnight of the fifth day (excluding Saturdays, Sundays and legal holidays) of the calendar month following the delivery of the freight.</p> <p>(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used, the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the debtor of valid checks, drafts, or money orders which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p> <p>(1) Will not apply to the transportation of property for the United States, state county or municipal governments.</p>	<p>0145</p>
<p>* Addition) o Reduction) Decision No. 87440</p>	
<p>EFFECTIVE</p>	
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SECTION 1--RULES (Continued)	ITEM			
<p style="text-align: center;">PREPAY INCENTIVE PROVISIONS</p> <p style="text-align: center;">Applies only to shipments which are prepaid within the established credit period provided in this tariff, see Item 145 (Collection of Charges)</p> <p>When a prepaid shipment is transported under the provisions of this tariff, the resulting total freight charges otherwise due and payable hereunder shall be subject to the following incentive allowances:</p> <p>(a) When the billed weight of the shipment is 500 pounds or less the total freight charges otherwise due and payable shall be reduced by 50 cents per shipment.</p> <p>(b) When the billed weight of the shipment is more than 500 pounds, the total freight charges otherwise due and payable shall be reduced by \$1.00 per shipment.</p> <p>NOTE 1.--In the event the total adjusted charges resulting under either paragraphs a or b above are, in fact, not paid when due and payable under the established credit period provided in the tariff, an accessorial charge equal to twice the amount of the prepaid incentive allowance otherwise applicable shall be assessed in addition to all other past due charges, viz.: \$1.00 under paragraph "a" and \$2.00 under paragraph "b".</p> <p>NOTE 2.--For purpose of applying this item, a prepaid shipment is one on which the charges for transportation service rendered at the request of the consignor, including charges for any accessorial services performed at the request of the consignor, are to be paid by the shipper.</p>	*6 290			
<table style="width: 100%; border: none;"> <tr> <td style="width: 30%; border: none;"> * Addition) 6 Reduction) </td> <td style="width: 30%; border: none; vertical-align: middle;"> Decision No. </td> <td style="width: 40%; border: none; text-align: center; font-size: 24pt; font-weight: bold;"> 87440 </td> </tr> </table>		* Addition) 6 Reduction)	Decision No.	87440
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Correction

MINIMUM RATE TARIFF 19

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<p style="text-align: center;">(1) COLLECTION OF CHARGES</p> <p style="text-align: center;">*(For Prepay Incentive Provisions see Item 225)</p> <p>(a) Except as otherwise provided in this rule, transportation and accessorial charges shall be collected by the carriers prior to relinquishing physical possession of shipments entrusted to them for transportation.</p> <p>(b) Upon taking precautions deemed by them to be sufficient to assure payment of charges within the credit period herein specified, carriers may relinquish possession of freight in advance of the payment of the charges thereon and may extend credit in the amount of such charges accruing during a calendar month to those who undertake to pay them, such persons hereinafter being called debtors, and collection thereof made not later than the tenth day (excluding Saturdays, Sundays and legal holidays) of the calendar month following the delivery of the freight.</p> <p>(c) Where a carrier has relinquished possession of freight and collected the amount of charges represented in a freight bill presented by it as the total amount of such charges, and another freight bill for additional charges in thereafter presented to the debtor, the carrier may extend credit in the amount of such additional charges for a period of 30 calendar days to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.</p> <p>(d) Freight bills for all transportation and accessorial charges shall be presented to the debtors not later than 12 o'clock midnight of the fifth day (excluding Saturdays, Sundays and legal holidays) of the calendar month following the delivery of the freight.</p> <p>(e) Debtors may elect to have their freight bills presented by means of the United States mail, and when the mail service is so used, the time of mailing by the carrier, as evidenced by the postmark, shall be deemed to be the time of presentation of the freight bills.</p> <p>(f) The mailing by the debtor of valid checks, drafts, or money orders which are satisfactory to the carrier, in payment of freight charges within the credit period allowed such debtor may be deemed to be the collection of the charges within the credit period for the purpose of these rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.</p> <p>(1) Will not apply to the transportation of property for the United States, state, county or municipal governments.</p>	<p>6 120</p>
<p style="text-align: center;">COLLECTION OF LOSS AND/OR DAMAGE CLAIMS</p> <p>When incidental to transportation by the carrier, a charge of \$6.05 per claim shall be made by the carrier for the service of handling and collection of loss or damage claims against another carrier when the amount involved therein exceeds \$100.00. When the amount involved is \$100.00 or less, one percent of the amount involved shall be charged, subject to a minimum charge of \$1.50.</p>	<p>130</p>
<p style="text-align: center;">HANDLING OF LOSS OR DAMAGE CLAIMS</p> <p>Claims for loss or damage shall be governed by the provisions of General Order No. 139.</p>	<p>135</p>
<p>* Addition) o Reduction) Decision No. 87440</p>	
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<p style="text-align: center;">UNITS OF MEASUREMENT TO BE OBSERVED</p> <p>Rates or accessorial charges shall not be quoted or assessed by carriers based upon a unit of measurement different from that in which the minimum rates and charges in this tariff are stated.</p>	235
<p style="text-align: center;">SHIPMENTS TO BE RATED SEPARATELY</p> <p>Each shipment shall be rated separately. Shipments shall not be consolidated or combined by the carrier. When shipments are delivered to or received from other carriers, each bill of lading, freight bill, dock receipt or dock permit shall be considered as a separate shipment and rated accordingly.</p>	250
<p style="text-align: center;">DELAYS TO EQUIPMENT</p> <p>Delays to equipment exceeding 4 hour at points of origin or destination for which the carrier is not responsible will be charged for at the rate of \$15.85 per hour, minimum charge \$3.95.</p>	260
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