

ORIGINAL

Decision No. 87531 June 28, 1977

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. 235
(Filed January 28, 1977)

OPINION AND ORDER

Minimum Rate Tariff 6-B (MRT 6-B) contains minimum rates for the transportation of petroleum and petroleum products in bulk, in tank truck equipment.

In this petition California Trucking Association (CTA) seeks amendment of MRT 6-B by amendment of Items 220 - Shipments stopped in Transit for Weighing, Application of Seals or for Partial Loading or Unloading and Item 230 - Shipments Diverted to provide a method for determining constructive mileages between two or more points within the same incorporated city, metropolitan zone, or unincorporated community.

CTA alleges that similar methods of determining constructive mileages are set forth in connection with split pickup, split delivery, and multiple-lot provisions of other minimum rate tariffs; that the application of Items 220 and 230 of MRT 6-B are indefinite without the inclusion of the sought provisions; and that revision of Items 220 and 230 of MRT 6-B to include the proposed revisions will clarify the application of the tariff.

CTA asserts that the proposed tariff amendments are non-controversial and requests that the petition be accorded ex parte

handling. The petition was served on known interested parties and notice of the filing of the petition appeared on the Commission's Daily Calendar. There are no protests. The Commission's Transportation Division staff, in an Advice of Participation dated April 15, 1977, states that it has reviewed the petition and believes it is one which, in the absence of protest, may be granted by ex parte order.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and justified and will result in just, reasonable, and nondiscriminatory rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petition should be granted.

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 July 30, 1977, Sixth Revised Page 18 and Fifth Revised Page 19, 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. Tariff publications required 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 made effective on July 30, 1977, on not less than one day's notice to the Commission and to the public; such tariff publications which are authorized but not required to be made by common carriers as a result of this order may be made effective not earlier than July 30, 1977, 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 No. 82350, 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 28th day of JUNE, 1977.

Robert Bateman
 President

William Sproun Jr.

Seamus L. Sturgeon

Richard D. Howell

Commissioners

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">SHIPMENTS STOPPED IN TRANSIT FOR WEIGHING, APPLICATION OF SEALS OR FOR PARTIAL LOADING OR UNLOADING</p> <p>Charges for shipments which, at request of consignor or consignee, or for any other reason beyond the control of the carrier, are stopped in transit for weighing, application of seals, or for partial loading or unloading shall be computed at the mileage rate applicable from point of origin to final point of destination via each of the points where weighing (either loaded or empty), application of seals, or partial loading or unloading is performed. (See Exception.) Subject to Notes 1, 2 and 3.</p> <p>EXCEPTION--Where charges are based on a mileage greater than 50 constructive miles and/or when a geographical order of pickup or delivery is specified by the shipper or consignee which results in a higher through mileage than that incurred via the shortest mileage route, such charge shall be computed on 50 percent of the mileage applicable from point of origin to return thereto via each of the points where weighing, (either loaded or empty) application of seals, or partial loading or unloading is performed.</p> <p>NOTE 1.--Shipments shall be subject to an additional charge of \$15.40 for each stop in transit to apply seals or to partially load or unload, and of \$5.85 for each stop to obtain weights (either loaded or empty). Such charge shall not apply where weighing is performed by shipper or consignee at scales located at either point of origin or point of destination. Time in excess of one hour at the transit point shall be charged at the rate of \$3.85 per quarter hour or fraction thereof.</p> <p>NOTE 2.--Shipments stopped in transit for weighing, application of seals, or for partial loading or unloading shall be subject to applicable mileage rates computed from point of origin to ultimate point of destination via point or points of stop in transit, whether or not the entire movement occurs within a group. Applicable mileage shall be determined from the current Distance Table. The group basing points named in Item 300 will not apply; except that in all cases where the first point of origin or the last point of destination is located within a group, mileage shall be computed from or to the basing point of the group in which said point is located. Two constructive miles shall be added for each point in excess of one located within: **</p> <p>Δ(1) A single metropolitan zone, or *Δ(2) a single incorporated city, including the extended area thereof, but not within a metropolitan zone, or *Δ(3) a single unincorporated community, including the extended area thereof, but not within a metropolitan zone, designated in the Distance Table as a red point, black point or numbered junction.</p> <p>NOTE 3.--Charges for shipments of Crude Oil transported under the provisions of Item 420 shall be computed at the highest rate provided to any point where diversion occurs or delivery is performed.</p>	<p>4220</p>
<p>Δ Change) * Addition) ◊ Increase) Δ Change, neither) Decision No. 87531 increase nor) reduction) ** Eliminated)</p>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">SHIPMENTS DIVERTED</p> <p>A. A diverted shipment is one for which either a consignee, point of destination, or both are changed after departure from the point of origin. In no event shall a return shipment be construed as a diverted shipment.</p> <p>B. Charges for shipments which, at request of consignor or consignee, or for any other reason beyond the control of the carrier, are diverted in transit shall be computed at the mileage rate applicable from point of origin to point where delivery is completed via each of the points of diversion. (Subject to Notes 1, 2 and 3).</p> <p>NOTE 1.--Provisions herein contemplate that carrier's equipment shall be stand by awaiting diversion instructions for a period of time in excess of one-half hour. Any such time in excess of one-half hour shall be construed to be excess unloading time and charged for at the rates provided in Item 160 (Demurrage or Detention Charges).</p> <p>NOTE 2.--Shipments diverted shall be subject to applicable mileage rates computed from point of origin to ultimate point of destination via point or points of diversion, whether or not the entire movement occurs within a group. Applicable mileage shall be determined from the current Distance Table. The group basing points named in Item 300 will not apply; except that in all cases wherein the first point of origin or the last point of destination is located within a group, mileage shall be computed from or to the basing point of the group in which said group is located. Two constructive miles shall be added for each point in excess of one located within: **</p> <p>Δ(1) A single metropolitan zone, or *o(2) a single incorporated city, including the extended area thereof, but not within a metropolitan zone, or *o(3) a single unincorporated community, including the extended area thereof, but not with a metropolitan zone, destination in the Distance Table as a red point, black point or numbered junction.</p> <p>NOTE 3.--Charges for shipments of Crude Oil transported under the provisions of Item 420 shall be computed at the highest rate provided to any point where diversion occurs or delivery is performed.</p>	<p style="text-align: center;">0230</p>
<p style="text-align: center;">SHIPMENTS RETURNED</p> <p>1. Charges upon a shipment or a portion of a shipment returned to point of origin shall be computed for such return on actual gallonage at one-half of the rate applicable on the outbound movement, subject to a minimum charge of \$41.40 and further subject to a flat additional charge of \$8.45. (Subject to Notes 1, 2 and 4)</p> <p>2. The provisions of paragraph 1 will also apply to the return of contaminated shipments which are not in carrier's possession at time of tender, subject to an additional charge of \$13.05. Said charge to be in addition to all other applicable charges and subject to Note 3.</p> <p>NOTE 1.--Shipments shall be subject to an additional charge of \$15.40 for each stop in transit to partially load or unload.</p> <p>NOTE 2.--Except as otherwise provided in paragraph 2, applies only on shipments or portions of shipments which have not been unloaded from carrier's equipment.</p> <p>NOTE 3.--The provisions of paragraph 2 apply only on shipments or portions thereof loaded at the destination point of the outbound shipment for return to the plant from which they were originally shipped.</p> <p>NOTE 4.--Within the meaning of this item, a return shipment shall also include a shipment which is returned to point of origin for any reason before it has reached its original billed destination with the charges on such a shipment being computed on the return from the actual point where the return commenced rather than from the original billed destination.</p>	<p style="text-align: center;">240</p>
<p>o Change) * Addition) Δ Change, neither increase) Decision No. 87531 nor reduction) o Increase) ** Eliminated)</p>	
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Correction