

ORIGINAL

Decision No. 87534 June 28, 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)	Case No. 5436
tion for the purpose of consid-)	Petition for Modification No. 232
ering and determining minimum)	(Filed January 18, 1977)
rates for transportation of)	Petition for Modification No. 246
petroleum and petroleum products))	(Filed April 22, 1977)
in bulk, in tank truck equipment))	Petition for Modification No. 247
statewide as provided in Minimum))	(Filed April 22, 1977)
Rate Tariff 6-B and the revi-)	Petition for Modification No. 249
sions or reissues thereof.)	(Filed May 3, 1977)

OPINION AND ORDER

Minimum Rate Tariff 6-B (MRT 6-B) names rates and rules for statewide transportation of bulk petroleum products in tank truck equipment. By Petitions 232, 246, 247 and 249, California Trucking Association (CTA) respectively seeks to amend MRT 6-B by (1) establishing a charge equal to the fee assessed by the governmental agency for obtaining special permits; (2) establishing a charge of \$6.00 for pumping service at locations other than steam generating facilities; (3) clarifying the charges for pumping services; and (4) increasing the estimated weight for jet turbine fuel and kerosene from 6.5 to 6.7 pounds per gross gallon loaded.

Petitioner states that petroleum carriers occasionally are required by the State or by local municipalities to obtain special temporary permits in connection with the performance of their service and the proposed charge for this service would permit them to recover out of pocket costs for fees paid to the involved governmental agencies. Petitioner alleges that the carrier must provide a pump which is mounted on its equipment and run its unit in order to obtain power to operate the pump. Petitioner asserts that the hourly charge applicable in connection with volume tender service is not sufficient to cover the costs incurred except

when serving a steam generating plant. Petitioner declares that the tariff is not clear as to whether a separate pumping charge shall be assessed for loading and unloading and its proposal provides that the pumping charge shall be assessed both for the loading service and the un-loading service. Petitioner avers that the estimated weight of 6.5 pounds per gross gallon for jet turbine fuel and kerosene has not been changed since it was added to the tariff on June 3, 1970. Petitioner contends that the aforementioned estimated weight of 6.5 pounds per gallon is understated and a more realistic weight would be 6.7 pounds per gallon. According to petitioner, such determination has been made through a review of industry sources which indicate that, at a temperature of 60° Fahrenheit, the weight of kerosene and jet turbine fuel will range from 6.42 to 7.04 pounds per gallon with an industry average of 6.7 pounds per gallon.

Copies of the petitions were mailed to various shippers, shipper organizations and carriers on or about January 18, 1977, April 20, 1977 and May 2, 1977. The petitions were listed on the Commission's Daily Calendars of January 20, 1977, April 26, 1977 and May 4, 1977. No objection to the granting of the petitions has been received.

In the circumstances, the Commission finds that petitioner's proposals are reasonable and the resulting rates and charges will be just, reasonable and nondiscriminatory minimum rates and charges for the transportation involved. A public hearing is not necessary. The Commission concludes that the petitions should be granted as set forth in the ensuing order.

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 July 31, 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 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 shall be made effective July 31, 1977, on not less than ten days' notice to the Commission and to the public.

4. Common carriers, in establishing and maintaining the amendments 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 amendments 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.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of JUNE, 1977.

Robert Bateman

President

William Lyons Jr.

Vernon L. Stinger

Richard D. Gwolk

Commissioners

C. 5436 (Pet. 232) et al.

APPENDIX A

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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;">DEFINITION OF TECHNICAL TERMS (Concluded)</p> <p>MOBILE ROAD MIXER means contractor's or road making equipment that is equipped and being used in mobile service for the picking up of raw materials along a road or proposed road, mixing them with petroleum products as described herein and dumped behind said moving road mixer. The carrier's equipment is attached to the mobile unit and proceeds with said unit in its road mixing service. The moving road mixer may either pump over the load or the carrier's equipment may pump over the load as the case may be. When carrier's equipment pumps the load, pumping charges as provided in paragraph (2) (b) of Item 170 apply in addition to the rates as otherwise provided herein.</p> <p>POINT OF DESTINATION means the precise location at which property is tendered for physical delivery into the custody of the consignee. All points within a single industrial plant or receiving area of one consignee shall be considered as one point of destination. An industrial plant or receiving area of one consignee shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>POINT OF ORIGIN means the precise location at which property is physically delivered by the consignor into the custody of the carrier for transportation. All points within a single industrial plant or shipping area of one consignor shall be considered as one point of origin. An industrial plant or shipping area of one consignor shall include only contiguous property which shall not be deemed separate if intersected only by public street or thoroughfare.</p> <p>RAILHEAD means a point at which facilities are maintained for the loading of property into or upon, or the unloading of property from rail cars. It also includes truck loading facilities of plants or industries located at such a rail loading or unloading point.</p> <p>RATE means the figure stated in cents, dollars and cents, or fractions thereof, including the charge and, also, the minimum weight and rules governing, and the accessorial charges applying in connection therewith to be used in computing the charge on property transported.</p> <p>SAME TRANSPORTATION means transportation of the same kind and quantity of property between the same points, and subject to the same limitations, conditions and privileges, but not necessarily in an identical type of equipment.</p> <p>*STEAM GENERATING FACILITY means a facility within an oilfield site which uses steam generating equipment to induce the free flow of petroleum and petroleum products from a well.</p> <p>TEAM TRACK means a point at which property may be loaded into, or upon, or unloaded from rail cars by the public generally.</p> <p>UNLOADING TIME means that time which commences when carrier's equipment arrives at point of destination and terminates when carrier's equipment is released for departure from point of destination. It also includes time spent weighing, sampling and/or the process of sampling.</p>	<p>¶10</p>
<p> (Change) * Addition) Decision No. 87534 </p>	
<p>EFFECTIVE</p>	
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>	

Correction

SECTION 1--RULES (Continued)		ITEM
(Numbers within parentheses immediately following commodities shown below refer to such commodities as they are described in the corresponding item numbers of the Governing Classification.)		
APPLICATION OF TARIFF--COMMODITIES		
Rates in this tariff apply on Petroleum and Petroleum Products, including Compounded Oils or Greases having a Petroleum Base, and Items, as described below.		
Charges shall be assessed on the actual gross weight loaded.		
EXCEPTION--Charges shall be assessed on the weight per gross gallon loaded for shipments of commodities with weights per gallon provided below.		
RATE GROUP	POUNDS PER GROSS GALLON LOADED	COMMODITY
A	6.2	Gasoline (155250)
B	6.7	Jet Turbine Fuel (155250) Kerosene (155250)
C	7.2	Distillate Fuel Oil, not suitable for illuminating purposes (155250) (See Note)
D	8.3	Residual Fuel Oil (155250) (See Note) Gas Oil (155250)
E	-	Petroleum Products (except commodities named in rate groups A, B, C, D or F of this item), as described under the heading Petroleum Products group of the Governing Classification Petroleum Cumene (155400) Petroleum Nitroxylyene (155420) Petroleum Toluene (155440) Petroleum Xylidine (155460) Petroleum Xylol (155480)
F	7.3	Crude Oil (155250)
(Continued on next page)		
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ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		
Correction		

MINIMUM RATE TARIFF 6-B

SECTION 1--RULES (Continued)	ITEM
<p style="text-align: center;">LOADING AND/OR UNLOADING OF EQUIPMENT</p> <p>1. The rates and charges contained in this tariff include the furnishing by carrier, without extra charge, a maximum of one length of cargo hose equipped with coupling for use in loading and/or unloading the shipment. (See Note 1)</p> <p>2. Provided that a specific request is made prior to dispatch of equipment from the carrier's terminal to load, the following special equipment will be provided at the charges shown:</p> <p>(a) Except as provided in paragraph 3, no more than 5 lengths of cargo hose in addition to that provided in accordance with paragraph 1 will be furnished at an extra charge of \$2.50 per length, except for the first additional length of hose for which no additional charge shall be made. (See Note 1)</p> <p>(b) Except for the service of spreading as provided for in Item 250, rates provided in this tariff do not include pumping service when rendered with carrier's equipment. When pumping service is performed by the carrier, a charge of \$10.00 shall be assessed for pumping service * to load carrier's equipment and a charge of \$10.00 shall be assessed for pumping service to unload equipment. In no event shall carrier's total pumping charges exceed \$20.00 per shipment.</p> <p>(c) Special fittings and/or nozzles will be furnished by carrier without extra charge, subject to such equipment being on hand and available.</p> <p>3. In the event that carrier is not notified of the need for special equipment as provided in paragraph 2 prior to dispatch of equipment from its terminal to load or in the event that shipper requests a total of more than 6 lengths of hose (See Note 2) the extra equipment provided for in paragraph 2 will be furnished at the charges provided for therein plus the following additional charges for pickup and delivery of the extra equipment:</p> <p>(a) \$12.75 per hour or fraction thereof will be assessed for driver time involved in making pickup and delivery of the extra equipment. Such time shall be computed from the time that driver is dispatched from carrier's terminal until his return thereto.</p> <p>(b) 17 1/2 cents per mile will be assessed for actual vehicle mileage traveled in effecting pickup and delivery of the extra equipment provided for in paragraph 2. Said mileage shall include but not be limited to, all mileages traveled to and from carrier's terminal.</p> <p>(c) Carrier will furnish shipper with an itemized record showing hours and mileage upon which charges are based.</p> <p>4. In no event shall any provisions of this item be construed to supersede or to be in lieu of provisions otherwise specifically provided for in this tariff.</p> <p>NOTE 1.--A length of cargo hose shall be not less than 12 feet nor more than 20 feet in length.</p> <p>NOTE 2.--The furnishing by carrier of more than 6 lengths of cargo hose shall be subject to such extra hose being on hand and available.</p>	<p>8170</p>
<p> ∅ Change) * Addition) Δ Change, neither increase) Decision No. 87534 nor reduction) </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 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> <ol style="list-style-type: none"> (1) A single metropolitan zone, or (2) a single incorporated city, including the extended area thereof, but not within a metropolitan zone, or (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>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>	220
<p style="text-align: center;">SPECIAL PERMITS</p> <p>Whenever a carrier is required by a governmental agency to obtain a special permit to perform a transportation service, a charge equal to the amount of the fee assessed by the governmental agency shall be billed for each such permit the carrier is required to obtain. Such charge shall be in addition to all other applicable rates and charges named in this tariff.</p>	*0 225
<p>* Addition) o Increase) Decision No.</p>	
EFFECTIVE	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>	

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
MONTHLY VEHICLE UNIT VOLUME TENDER RATES (Continued)	
NOTE 8.--When transportation is performed under provisions of this item, the following rules will not apply:	
Item 160 Item 170, Paragraph 2(b) Item 190 Item 210 Item 220 Item 230 Item 240 Item 280 Item 290 Item 300, Note 1 of Group 2 description	- Demurrage or Detention Charges - Pumping Charge - Minimum Charge - Issuance of Shipping Documents - Shipments Stopped in Transit for Weighing, Application of Seals or for Partial Loading or Unloading - Shipments Diverted - Shipments Returned - Internal Cargo Tank Cleaning (except as provided in Note 7) - Vapor Recovery and/or Bottom Loading Equipment - Description of Territorial Groups and Crude Oil Groups
NOTE 9.--The charge for required bridge or ferry tolls, special permits and weighmaster certificates shall be assessed in addition to all other applicable rates and charges.	
NOTE 10.--A freight bill as set forth in Item 610 shall be issued by the carrier to the shipper for each engagement for transportation. The freight bill shall be retained and preserved by the issuing carrier for a period of not less than three years from the date of issuance.	
NOTE 11.--The charge for collecting and remitting amounts collected on C.O.D. shipments transported under provisions of this item shall be \$3.50 per collection, subject to a maximum total charge of \$25.00 per monthly tender.	
NOTE 12.--	
A. When pumping service is performed by the carrier, *at steam generating facilities, an additional charge of \$3.20 per hour shall be made for the first ten hours plus an additional \$1.10 per hour, or fraction thereof for all additional hours. The minimum charge for pumping service shall be the charge for one hour.	
*0B. When pumping service is performed by the carrier at locations other than steam generating facilities, an additional charge of \$6.00 shall be assessed for each pumping service. In no event shall more than one charge be assessed in connection with a single shipment.	
NOTE 13.--When the total loaded miles exceed the total empty miles of the tender, an additional charge of 5¢ cents per mile will be made for each excess loaded mile traveled by the carrier's equipment.	
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Correction	

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM				
<p style="text-align: center;">YEARLY VEHICLE UNIT VOLUME TENDER RATES (Continued)</p> <p>NOTE 7.--Carrier will provide internal cargo tank cleaning if requested by the shipper during any volume tender period, subject to additional charges provided in Item 280 for the cleaning of each unit of carrier's equipment. In addition to such charges, carriers will also assess the applicable mileage and hourly charges set forth herein.</p> <p>NOTE 8.--When transportation is performed under provisions of this item, the following rules will not apply:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Item 160 Item 170, Paragraph 2(b) Item 190 Item 210 Item 220</p> <p>Item 230 Item 240 Item 280</p> <p>Item 290</p> <p>Item 300, Note 1 of Group 2 description</p> </td> <td style="width: 50%; vertical-align: top;"> <p>- Demurrage or Detention Charges - Pumping Charge - Minimum Charge - Issuance of Shipping Documents - Shipments Stopped in Transit for Weighing, Application of Seals or for Partial Loading or Unloading - Shipments Diverted - Shipments Returned - Internal Cargo Tank Cleaning (except as provided in Note 7) - Vapor Recovery and/or Bottom Loading Equipment - Description of Territorial Groups and Crude Oil Groups</p> </td> </tr> </table> <p>NOTE 9.--The charge for required bridge or ferry tolls, special permits and weighmaster's certificates shall be assessed in addition to all other applicable rates and charges.</p> <p>NOTE 10.--A freight bill as set forth in Item 610 shall be issued by the carrier to the shipper for each engagement for transportation. The freight bill shall be retained and preserved by the issuing carrier for a period of not less than three years from the date of issuance.</p> <p>NOTE 11.--The charge for collecting and remitting amounts collected on C.O.D. shipments transported under provisions of this item shall be \$3.50 per collection, subject to a maximum total charge of \$25.00 per calendar month on yearly tender.</p> <p>NOTE 12.--</p> <p style="padding-left: 40px;">A. When pumping service is performed by the carrier, *at steam generating facilities, an additional charge of \$3.20 per hour shall be made for the first ten hours PLUS an additional \$1.10 per hour, or fraction thereof for all additional hours. The minimum charge for pumping service shall be the charge for one hour.</p> <p style="padding-left: 40px;">*OB. When pumping service is performed by the carrier at locations other than steam generating facilities, an additional charge of \$6.00 shall be assessed for each pumping service. In no event shall more than one charge be assessed in connection with a single shipment.</p> <p style="text-align: center;">(Continued on next page)</p>		<p>Item 160 Item 170, Paragraph 2(b) Item 190 Item 210 Item 220</p> <p>Item 230 Item 240 Item 280</p> <p>Item 290</p> <p>Item 300, Note 1 of Group 2 description</p>	<p>- Demurrage or Detention Charges - Pumping Charge - Minimum Charge - Issuance of Shipping Documents - Shipments Stopped in Transit for Weighing, Application of Seals or for Partial Loading or Unloading - Shipments Diverted - Shipments Returned - Internal Cargo Tank Cleaning (except as provided in Note 7) - Vapor Recovery and/or Bottom Loading Equipment - Description of Territorial Groups and Crude Oil Groups</p>	<p>Ø520</p>	
<p>Item 160 Item 170, Paragraph 2(b) Item 190 Item 210 Item 220</p> <p>Item 230 Item 240 Item 280</p> <p>Item 290</p> <p>Item 300, Note 1 of Group 2 description</p>	<p>- Demurrage or Detention Charges - Pumping Charge - Minimum Charge - Issuance of Shipping Documents - Shipments Stopped in Transit for Weighing, Application of Seals or for Partial Loading or Unloading - Shipments Diverted - Shipments Returned - Internal Cargo Tank Cleaning (except as provided in Note 7) - Vapor Recovery and/or Bottom Loading Equipment - Description of Territorial Groups and Crude Oil Groups</p>				
<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"> <p>Ø Change) * Addition) o Increase)</p> </td> <td style="width: 20%;"> <p>) Decision No.</p> </td> <td style="width: 50%; text-align: center; font-size: 24pt;"> <p>87534</p> </td> </tr> </table>		<p>Ø Change) * Addition) o Increase)</p>	<p>) Decision No.</p>	<p>87534</p>	
<p>Ø Change) * Addition) o Increase)</p>	<p>) Decision No.</p>	<p>87534</p>			
<p>EFFECTIVE</p>					
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>					

Correction