

Decision No. 87702 AUG 9 1977

ORIGINAL

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
ering and determining minimum )	No. 236
rates for transportation of )	(Filed January 28, 1977)
petroleum and petroleum products )	(Amended June 13, 1977)
in bulk, in tank truck equipment )	Petition for Modification
statewide as provided in Minimum )	No. 243
Rate Tariff 6-B and the revi- )	(Filed April 7, 1977)
sions or reissues thereof. )	Petition for Modification
)	No. 253
)	(Filed May 13, 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 Petition 236, as amended, and Petitions 243 and 253, California Trucking Association respectively seeks to amend MRT 6-B by: (1) establishing special weekly volume tender rates from Crescent City to points in California located within 250 miles of Crescent City; (2) establishing rates on octane blending compound from Watson to Bakersfield; and (3) adding McKinleyville as a destination point to special monthly volume tender rates which apply from points in the San Francisco and San Pablo Bay areas.

Petitioner states that the proposed establishment of the special weekly volume tender rates would enable for-hire carriers to compete more effectively with proprietary operations and be responsive to changing distribution patterns of shippers. Petitioner declares that octane blending compound is transported in continuous movements from Watson to Bakersfield and rates based on volume tender are more appropriate for this transportation than the applicable mileage rates because of the favorable volume and the levels of efficiency which are inherent with such large volume movements. Petitioner avers that McKinleyville is subject

to the same distribution pattern and conditions as the specific destination points in Del Norte and Humboldt Counties and the rates to McKinleyville from points in the San Francisco and San Pablo Bay areas should therefore be on a corresponding rate level with those in effect to the other destination points involved.

Copies of the petitions and amendment were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about January 28, 1977, April 6, 1977, May 13, 1977 and June 10, 1977. The petitions and amendment were listed on the Commission's Daily Calendars of February 1, 1977, April 8, 1977, May 16, 1977 and June 15, 1977. No objection to the granting of the petitions and amendment has been received.

In the circumstances, the Commission finds that petitioner's proposals are reasonable and the resulting minimum 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 and the effective date of this order should be the date hereof because there is an immediate need for this rate 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 August 20, 1977, the revised pages contained 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 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 this order may be made effective not earlier than August 20, 1977, 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 amendments 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 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.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of AUGUST, 1977.

Robert Babunil  
President

William J. Quinn

Clare L. Sturgeon  
Commissioner Vernon-L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding

Richard D. Gravelle  
Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding

Commissioners

C. 5436 (Pet. 236) et al.

APPENDIX A

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

ORIGINAL		PAGE	39-A
SECOND	REVISED	PAGE	44-B
FIRST	REVISED	PAGE	44-J
ORIGINAL		PAGE	44-K
ORIGINAL		PAGE	44-L
ORIGINAL		PAGE	44-M
ORIGINAL		PAGE	44-N

(END OF APPENDIX A)

SECTION 4--VEHICLE UNIT RATES (Continued)

ITLM

MONTHLY VEHICLE UNIT VOLUME TENDER RATES--OCTANE BLENDING COMPOUND

(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 commodity as described from and to points 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 The Octane Blending Compound 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.

Rate (Subject to Notes 1 Through 4)

Commodity	From	To	Rate In Cents Per Gallon	Truckload Minimum	
Gasoline, viz.: Octane Blending Compound	Watson	Bakersfield	1.9	9650 Gallons	*6 515

NOTE 1.--In the application of rate 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.--Except as otherwise provided herein, all applicable provisions of this tariff shall apply.

\* Addition )  
o Reduction ) Decision No.

87702

EFFECTIVE

Correction

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

- (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.

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Rates In Cents Per Gallon Per Shipment ø (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
*øMcKinleyville	4.60	5.34
Shelter Cove	4.00	4.64

ø Includes transportation of commodities described in Rate Group I.

(Continued on next page)

ø Change )  
 \* Addition ) Decision No.  
 ø Reduction )

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 SAN FRANCISCO, CALIFORNIA.

MINIMUM RATE TARIFF 6-B

SECTION 4--VEHICLE UNIT RATES (Continued) ITEM

SPECIAL WEEKLY VOLUME TENDER PLAN

- (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 Crescent City to points in California located within 250 miles of Crescent City.
- (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 weekly volume tender for the use of a unit or units of carrier's equipment during a calendar week beginning with the first day of the week following notification and thereafter during a subsequent calendar week period. 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) Rates for transportation are in cents per gallon and will be based upon the total loaded miles per week indicated as follows:

RATES IN CENTS PER GALLON PER SHIPMENT @  
 (Subject to Notes 1 through 11)

MILES		MINIMUM MILES PER EACH WEEKLY VOLUME TENDER PERIOD						*06 (E) 529.
		OVER	BUT NOT OVER	OVER		BUT NOT OVER		
				0	1200	1200	1800	
		1	2	1	2	1	2	
0	5	.61	.71	.58	.68	.55	.64	
5	10	.64	.76	.61	.72	.58	.68	
10	15	.72	.84	.68	.80	.65	.76	
15	20	.79	.93	.70	.89	.72	.84	
20	25	.83	.98	.79	.93	.75	.88	
25	30	.91	1.07	.86	1.01	.82	.96	
30	35	1.06	1.24	1.00	1.18	.95	1.12	
35	40	1.14	1.33	1.08	1.27	1.02	1.20	
40	45	1.25	1.47	1.19	1.39	1.12	1.32	
45	50	1.40	1.65	1.33	1.56	1.26	1.48	
50	60	1.48	1.73	1.40	1.64	1.33	1.56	
60	70	1.66	1.96	1.58	1.86	1.50	1.76	
70	80	1.78	2.09	1.69	1.98	1.60	1.88	
80	90	1.93	2.27	1.83	2.15	1.74	2.04	
90	100	2.04	2.40	1.94	2.28	1.84	2.16	

Rates shown in column one (1) above will apply only on gasoline, kerosene, and jet turbine fuel.  
 Rates shown in column two (2) will apply only on diesel fuel and distillate fuel oil.

@Includes transportation of commodities as described in Rate Group I.

(Continued on next page)

(1) Item 530 transferred to Original Page 44-N.  
 (E) Expires with September 30, 1978.

- Addition )  
 ◊ Increase ) Decision No.  
 ◊ Reduction )

87702

EFFECTIVE

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

Correction

SECTION 4--VEHICLE UNIT RATES (Continued)								ITEM
SPECIAL WEEKLY VOLUME TENDER PLAN (Continued)								
RATES IN CENTS PER GALLON PER SHIPMENT # (Subject to Notes 1 through 11)								
MILES		MINIMUM MILES PER EACH WEEKLY VOLUME TENDER PERIOD						
		BUT NOT OVER	OVER 0	BUT NOT OVER 1200	OVER 1200	BUT NOT OVER 1800	OVER 1800	BUT NOT OVER 2300
OVER	OVER	1	2	1	2	1	2	
100	110	2.35	2.76	2.23	2.62	2.11	2.48	
110	120	2.50	2.93	2.37	2.79	2.25	2.64	
120	130	2.53	2.98	2.41	2.83	2.42	2.68	
130	140	2.69	3.15	2.55	3.00	2.42	2.84	
140	150	2.88	3.38	2.73	3.21	2.59	3.04	
150	160	3.14	3.69	2.98	3.50	2.83	3.32	
160	170	3.37	3.96	3.20	3.76	3.03	3.56	
170	180	3.52	4.13	3.34	3.92	3.17	3.72	
180	190	3.71	4.35	3.52	4.14	3.34	3.92	
190	200	3.86	4.53	3.67	4.31	3.47	4.08	
200	210	3.94	4.62	3.74	4.39	3.54	4.16	
210	220	4.16	4.89	3.95	4.64	3.75	4.40	
220	230	4.35	5.11	4.13	4.85	3.92	4.60	
230	240	4.65	5.46	4.42	5.19	4.19	4.92	
240	250	4.81	5.64	4.56	5.36	4.32	5.08	

  

RATES IN CENTS PER GALLON PER SHIPMENT # (Subject to Notes 1 through 11)								*06 (E) 529.1
MILES		MINIMUM MILES PER EACH WEEKLY VOLUME TENDER PERIOD						
		BUT NOT OVER	OVER 2300	BUT NOT OVER 2700	OVER 2700	BUT NOT OVER 3000	OVER 3000 MILES	
OVER	OVER	1	2	1	2	1	2	
0	5	.52	.60	.48	.57	.47	.55	
5	10	.55	.64	.52	.60	.50	.59	
10	15	.61	.72	.58	.68	.53	.65	
15	20	.68	.79	.64	.75	.62	.72	
20	25	.71	.83	.67	.78	.65	.76	
25	30	.77	.91	.73	.85	.70	.83	
30	35	.90	1.06	.85	.95	.82	.97	
35	40	.97	1.13	.91	1.07	.88	1.03	
40	45	1.06	1.25	1.00	1.17	.97	1.14	
45	50	1.19	1.40	1.12	1.31	1.08	1.27	
50	60	1.25	1.47	1.18	1.39	1.14	1.34	
60	70	1.42	1.66	1.33	1.56	1.29	1.52	
70	80	1.51	1.77	1.42	1.67	1.38	1.62	
80	90	1.64	1.93	1.54	1.81	1.50	1.76	
90	100	1.74	2.04	1.64	1.92	1.59	1.86	

Rates shown in column one (1) above will apply only on gasoline, kerosene, and jet turbine fuel.  
 Rates shown in column two (2) will apply only on diesel fuel and distillate fuel oil.  
 # Includes transportation of commodities described in Rate Group I.  
 (Continued on next page)

(E) Expires with September 30, 1978.  
 \* Addition )  
 o Increase ) Decision No. **87702**  
 o Reduction )

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Correction

SECTION 4--VEHICLE UNIT RATES (Continued)								ITEM
SPECIAL WEEKLY VOLUME TENDER PLAN (Continued)								
RATES IN CENTS PER GALLON PER SHIPMENT @ (Subject to Notes 1 through 11)								
		MINIMUM MILES PER EACH WEEKLY VOLUME TENDER PERIOD						
MILES OVER	BUT NOT OVER	OVER		BUT NOT OVER		OVER		
		2300	2700	2700	3000	3000 MILES		
		1	2	1	2	1	2	
100	110	1.99	2.34	1.88	2.20	1.82	2.14	
110	120	2.12	2.49	2.00	2.35	1.94	2.27	
120	130	2.15	2.53	2.03	2.38	1.97	2.31	
130	140	2.28	2.60	2.15	2.52	2.08	2.44	
140	150	2.44	2.87	2.30	2.70	2.23	2.62	
150	160	2.67	3.13	2.51	2.95	2.43	2.86	
160	170	2.86	3.36	2.70	3.16	2.61	3.06	
170	180	2.99	3.51	2.81	3.30	2.73	3.20	
180	190	3.15	3.70	2.97	3.48	2.87	3.37	
190	200	3.28	3.85	3.09	3.63	2.99	3.51	206 (B) 529.1
200	210	3.34	3.93	3.15	3.70	3.05	3.58	
210	220	3.54	4.15	3.33	3.91	3.23	3.79	
220	230	3.70	4.29	3.48	4.09	3.37	3.96	
230	240	3.96	4.64	3.72	4.37	3.61	4.24	
240	250	4.08	4.80	3.84	4.51	3.72	4.59	
<p>Rates shown in column one (1) above will apply only on gasoline, kerosene, and jet turbine fuel.</p> <p>Rates shown in column two (2) will apply only on diesel fuel and distillate fuel oil.</p> <p>@ Includes transportation of commodities described in Rate Group I.</p> <p>NOTE 1.--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 calendar week.</p> <p>NOTE 2.--The term "calendar week" means that period commencing at 12:01 A.M., Sunday and ending at 12:00 midnight, Saturday.</p> <p>NOTE 3.--Any shipment completely loaded, but not delivered, prior to 12:00 midnight, Saturday, shall be included in the calendar week.</p> <p>NOTE 4.--When, during the course of performing the transportation service authorized in this item, the consignor tenders a shipment consigned to an interstate destination in the same unit of carrier's equipment engaged in transportation service under the provisions of this item, the mileage applicable in performing such interstate transportation will be recorded as provided in Note 1 and will be included in the total minimum miles per week upon which transportation charges are based.</p> <p>NOTE 5.--Minimum gallons per unit of carrier's equipment shall be:</p> <p>Gasoline-----8,500 gallons                      Kerosene-----8,500 gallons                      Jet Turbine Fuel-----8,500 gallons                      Diesel Fuel and Distillate Fuel Oil-----7,200 gallons</p> <p>Exception: Mixed shipments consisting of commodities listed for column 1 and column 2 shall be subject to a minimum of 7,800 gallons per unit. Charges will be computed at the separate rate applicable to each commodity in the shipment. When a mixed shipment is less than 7,800 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>(Continued on next page)</p>								
<p>(E) Expires with September 30, 1978.</p> <p>• Addition )                      ◊ Increase ) Decision No. <b>87702</b>                      A Reduction )</p>								
EFFECTIVE								
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.								
Correction								

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p style="text-align: center;">SPECIAL WEEKLY VOLUME TENDER PLAN (Continued)</p> <p>NOTE 6.--Shipments moving under rates in this item may be diverted in transit after arrival at billed destination, subject to a charge of \$7.00 per diversion, and subject to the rate applicable from point of origin to point of final destination via the point of diversion.</p> <p>NOTE 7.--All transportation, including loading and unloading, will be performed at carrier's convenience, and at times designated by carrier. Rates in this item will not apply to any shipment for which shipper or consignee has specified time of either loading and/or unloading.</p> <p>NOTE 8.--All freight or other charges incurred under the provisions of this item must be prepaid and shall be assessed by the carrier in the following manner:</p> <p style="margin-left: 40px;">(A) Carrier will issue a freight bill covering all charges for the calendar week.</p> <p style="margin-left: 40px;">(B) Carrier will prepare and furnish to the shipper a manifest covering all transportation services performed during the particular calendar week; such manifest shall show the following information:</p> <ol style="list-style-type: none"> <li>(1) Date each shipment transported</li> <li>(2) Bill of lading number</li> <li>(3) Points of destination</li> <li>(4) Gallons of products transported</li> <li>(5) Class of product</li> <li>(6) Loaded mileage traversed for each shipment</li> <li>(7) Accumulated mileage by shipment</li> <li>(8) Transportation charges</li> <li>(9) Accessorial charges</li> </ol> <p>NOTE 9.--A total of one and one-half hours will be allowed for completion of loading and unloading. Computation of loading and unloading times will be subject to definitions provided in Item 10. A charge of \$4.15 for each fifteen (15) minutes, or fraction thereof, will be assessed for time consumed in excess of the specified time allowances for completion of loading and unloading.</p> <p>NOTE 10.--Shipments tendered to carrier with collect on delivery instructions will be handled under the rates applicable in this item, plus an additional charge of \$4.00 for each C.O.D.</p> <p>NOTE 11.--When transportation is performed under this item, the following rules will not apply:</p> <ul style="list-style-type: none"> <li>Item 160 - Demurrage or detention charges</li> <li>Item 190 - Minimum charge</li> <li>Item 210 - Issuance of shipping documents</li> <li>Item 220 - Shipments stopped in transit for weighing, application of seals, or for partial loading or unloading</li> <li>Item 230 - Shipments diverted.</li> </ul>	<p style="text-align: center;">*06 (E) 529.1</p>
<p>(E) Expires with September 30, 1978.</p> <ul style="list-style-type: none"> <li>* Addition )</li> <li>o Increase ) Decision No. <b>87702</b></li> <li>o Reduction )</li> </ul>	
EFFECTIVE	
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.	

Correction

SECTION 4--VEHICLE UNIT RATES (Concluded)	ITEM
<p style="text-align: center;"><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, 526, 527, 528, 529 or 529.1 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, 526, 527, 528, 529 or *529.1 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;">_____</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>ø530</p>
<p>(1) For provisions formerly in effect see Original Page 44-J.</p>	
<p>ø Change ) Decision No. <b>87702</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>	