

ORIGINAL

Decision No. 8874S APR 18 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
 tion for the purpose of consid-)
 ering 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 revi-)
 sions or reissues thereof.)

Case No. 5436
 Petition for Modification
 No. 268
 (Filed March 24, 1978)

OPINION AND ORDER

Minimum Rate Tariff 6-B (MRT 6-B) names minimum rates and rules for the transportation of petroleum and petroleum products in bulk in tank truck equipment by petroleum contract carriers. By the above petition, California Trucking Association requests that the Commission extend, until April 30, 1979, the expiration date of Item 529 of MRT 6-B. According to petitioner MRT 6-B includes Distance Volume Incentive Rates and related provisions which were established on an experimental basis to enable a period of shipper and carrier use and exposure to the new concepts, prior to evaluating the need for further revision.

Petitioner points out that the provisions have worked well and have been mutually beneficial and other modifications may be desirable so additional time is needed to formalize these and other modifications. Relief from the long- and short-haul provisions of Section 461.5 of the Public Utilities Code is also sought.

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about March 23, 1978. The petition was listed on the Commission's Daily Calendar of March 27, 1978. No objection to the granting of the petition has been received.

In the circumstances, the Commission finds that petitioner's proposal is 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 petition 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 May 1, 1978 Fourth Revised Page 44-I, 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 amendment necessary to conform with the further adjustment 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 May 1, 1978, and may be made effective on not less than ten 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 page incorporated in this order.
4. Common carriers, in establishing and maintaining the amendment 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 amendment 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.

C. 5436 (Pet. 268) - gjw

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 18th
day of APRIL, 1978.

Robert Bateman

President

William Sproule Jr.

Vernon L. Sturgeon

Clair T. DeBord

Commissioners

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

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM				
<p style="text-align: center;">DISTANCE VOLUME INCENTIVE RATES</p> <p>1. The provisions of 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 Group A, B, C or I of Item 30 from points of origin located within 60 miles of the first point of origin of the tender to points of destination located within 250 miles of the first point of origin.</p> <p>2. The provisions of this item apply only when prior to the transportation of the property, the consignor has elected the use of either Monthly or Yearly Volume Incentive Rates and has requested verbally or in writing that transportation be performed under the provisions of this item. 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.)</p> <p>3. All applicable rates and charges must be paid by the consignor and shall be applied, subject to Notes 1 through 6, as follows:</p> <p>a) When a Monthly Incentive Rate Agreement has been designated, the applicable rate shall be 90% of the Distance Rates for Rate Groups A, B, C as set forth in Item 400, and shall include transportation of commodities described in Rate Group I.</p> <p>b) When a Yearly Incentive Rate Agreement has been designated, the applicable rate shall be 85% of the Distance Rates for Rate Groups A, B, C as set forth in Item 400, and shall include transportation of commodities described in Rate Group I.</p> <p>NOTE 1.--In the application of rates provided in this item, shippers must place dispatch orders by 4:30 P.M. on the day prior to the day of delivery; and 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, Monthly Incentive Rates shall mean rates based upon 720 consecutive hours; except that when the incentive period commences on the 1st day of a calendar month, the incentive rate provisions will cover the full calendar month. As used in this item, Yearly Incentive Rates shall mean rates based upon 12 consecutive months (8760 consecutive hours). In those years when a calendar month has 29 days it shall mean 8784 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 tendered, such unit of carrier's equipment to contain no meters or pumps.</p> <p>NOTE 4.--All shipments transported under the Monthly Incentive Agreement must be tendered and loaded within the monthly incentive period. A shipment loaded but not delivered within the monthly incentive period will be completed and charged under the provisions of this item.</p> <p>All shipments transported under a Yearly Incentive Agreement must be tendered and loaded within the yearly incentive period. A shipment loaded but not delivered within the yearly incentive period will be completed and charged under the provisions of this item.</p> <p>NOTE 5.--When transportation is performed under the provisions of this item, all rules, accessorial services and additional charges provided elsewhere in this tariff shall apply.</p> <p>NOTE 6.--Rates in this item are subject to the following minimum charges:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td>Monthly Incentive Agreement</td> <td style="text-align: right;">\$ 9,070.00</td> </tr> <tr> <td>Yearly Incentive Agreement</td> <td style="text-align: right;">\$99,030.00</td> </tr> </table>	Monthly Incentive Agreement	\$ 9,070.00	Yearly Incentive Agreement	\$99,030.00	<p>6 (E) 529</p>
Monthly Incentive Agreement	\$ 9,070.00				
Yearly Incentive Agreement	\$99,030.00				
<p>606 (E) Expires with April 30, 1979.</p> <p>Change) Increase) Decision No. 88745 Reduction)</p>					
<p>EFFECTIVE</p>					
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p> <p>Correction</p>					