

Decision No. 89836 JAN 4 1979

ORIGINAL

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. 276
(Filed November 22, 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 this petition, California Trucking Association requests that the Commission extend, until January 31, 1980, the expiration date of Items 527 and 528 in MRT 6-B.

Petitioner states that the Special Monthly Vehicle Unit Volume Tender Plans were established on an experimental basis to enable a period of shipper and carrier use and exposure to the new concept, prior to evaluating the need for further revision. The intervening period indicates that the provisions have been mutually beneficial and that other modifications may be desirable; however, additional time is needed for the parties to formalize these modifications. Relief from the long- and short-haul provisions of Section 461.5 of the Public Utilities Code is also sought.

The petition was listed on the Commission's Daily Calendar of November 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 February 1, 1979, 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 hereby 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 effective not earlier than February 1, 1979, 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 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.

C. 5436, Pet. 276 - FS

6. The Executive Director shall serve a copy of this decision on every common carrier, or such carriers' authorized tariff publishing agents, performing transportation services subject to Minimum Rate Tariff 6-B.

7. The Executive Director shall serve a copy of each of the tariff amendments on each subscriber to Minimum Rate Tariff 6-B.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 4th
day of JANUARY, 1979.

Robert B. Sullivan
President

Robert D. Gault

Clare J. DeRube

Commissioners

APPENDIX A

LIST OF REVISED PAGES TO
MINIMUM RATE TARIFF 6-B

SIXTH	REVISED	PAGE	44-D
FIFTH	REVISED	PAGE	44-E
FIFTH	REVISED	PAGE	44-F
FOURTH	REVISED	PAGE	44-G
FOURTH	REVISED	PAGE	44-H

(END OF APPENDIX A)

MINIMUM RATE TARIFF 6-B

SECTION 4--VEHICLE UNIT RATES (Continued)										ITEM
SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "Plan A"										
<p>(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, C or I of Item 30 from points of origin located within 5 miles of Ventura to points of destination in California located within 250 miles of said point of origin and from points of origin in California located within 250 miles of Ventura for delivery to points of destination in Ventura and/or Santa Barbara Counties.</p> <p>(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 Monthly Vehicle Unit Volume Tender Plan A and charges are prepaid; provided that if requested verbally, the consignor shall place a confirming written request in the United States mail the same day as verbally requested. (For form of agreement see Item 530.)</p> <p>(3) The provisions of this item will apply for the use of a unit or units of carrier's equipment during a calendar month beginning with the first day of the month following notification and thereafter during each subsequent calendar month period until cancelled.</p> <p>(4) Rates for transportation will be based upon the minimum loaded miles for each week of the monthly volume tender period and will be determined as follows:</p>										
RATES IN CENTS PER GALLON PER SHIPMENT @ FOR RATE GROUPS SHOWN (Subject to Notes 1 through 13)										
MINIMUM LOADED MILES PER EACH WEEK OF VOLUME TENDER PERIOD										
(E)										
#527										
LOADED MILES PER SHIPMENT	1200 to 1499	1500 to 1799	1800 to 2199	2200 and Over						
Over	But Not Over	Rate Group A C	Rate Group A C	Rate Group A C	Rate Group A C					
0	5	.48 .54	.46 .52	.45 .50	.42 .48					
5	10	.51 .58	.49 .54	.47 .52	.45 .50					
10	15	.56 .63	.53 .61	.51 .56	.49 .54					
15	20	.62 .69	.59 .66	.55 .64	.53 .61					
20	25	.68 .76	.65 .72	.63 .69	.59 .66					
25	30	.74 .83	.71 .80	.74 .75	.64 .72					
30	40	.86 .97	.82 .92	.79 .87	.74 .83					
40	50	1.01 1.14	.96 1.09	.91 1.03	.86 .98					
50	60	1.18 1.38	1.13 1.32	1.06 1.24	1.01 1.19					
60	70	1.37 1.57	1.30 1.50	1.23 1.43	1.18 1.36					
70	80	1.53 1.77	1.45 1.67	1.38 1.60	1.32 1.52					
80	90	1.69 1.97	1.61 1.86	1.53 1.78	1.45 1.70					
90	100	1.85 2.15	1.77 2.04	1.69 1.95	1.60 1.85					
100	110	2.01 2.35	1.92 2.23	1.83 2.13	1.74 2.02					
110	120	2.19 2.53	2.08 2.41	1.99 2.30	1.89 2.18					
(Continued on next page)										
# Includes transportation of commodities described in Rate Group I.										
#00(E) Expires with January 31, 1980.										
# Change) # Increase) Decision No. 89836 # Reduction)										
EFFECTIVE FEBRUARY 1, 1979										
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.										
Correction										

MINIMUM RATE TARIFF 6-B

SECTION 4--VEHICLE UNIT RATES (Continued)										ITEM
SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "Plan A"										
RATES IN CENTS PER GALLON PER SHIPMENT ^a FOR RATE GROUPS SHOWN (Subject to Notes 1 through 13)										
MINIMUM LOADED MILES PER EACH WEEK OF VOLUME TENDER PERIOD										
LOADED MILES PER SHIPMENT		1200 to 1499		1500 to 1799		1800 to 2199		2200 and over		
Over	But Not Over	Rate Group		Rate Group		Rate Group		Rate Group		
		A	C	A	C	A	C	A	C	
120	130	2.35	2.71	2.23	2.58	2.13	2.46	2.02	2.34	
130	140	2.50	2.91	2.38	2.78	2.27	2.64	2.16	2.51	
140	150	2.67	3.09	2.55	2.96	2.42	2.81	2.30	2.67	
150	160	2.84	3.29	2.70	3.14	2.57	2.98	2.45	2.83	
160	170	3.00	3.48	2.85	3.32	2.71	3.16	2.58	3.00	
170	180	3.17	3.67	3.02	3.49	2.87	3.32	2.73	3.17	
180	190	3.32	3.86	3.17	3.68	3.02	3.50	2.86	3.34	
190	200	3.49	4.05	3.34	3.86	3.18	3.67	3.01	3.49	
200	210	3.66	4.24	3.48	4.04	3.31	3.84	3.16	3.65	
210	220	3.83	4.43	3.65	4.22	3.47	4.03	3.30	3.83	
220	230	3.99	4.63	3.80	4.40	3.62	4.19	3.44	3.99	
230	240	4.15	4.83	3.96	4.59	3.76	4.38	3.57	4.16	
240	250	4.32	5.06	4.12	4.77	3.91	4.55	3.71	4.31	

(E)
#527

^a Includes transportation of commodities described in Rate Group I.

NOTE 1.--The 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 week. The mileage rate applicable to each individual shipment will be determined in accordance with the governing distance table.

NOTE 2.--The term "week" means that period commencing at 12:01 A.M. on the first day of the calendar month and continuing for 7 consecutive days and each immediate 7 consecutive day period thereafter.

NOTE 3.--Any shipments completely loaded prior to 12 o'clock midnight of the 7th day of the week shall be included in that week.

NOTE 4.--Carrier will issue a freight bill and supporting documents for each weekly period as defined herein, which shall provide the following:

(A) Date each load transported	(E) Type of products
(B) Bill of lading numbers	(F) Loaded mileage of each load
(C) Points of destinations	(G) Transportation charges
(D) Gallons of products charged	(H) Accessorial charges

(Continued on next page)

§60 (E) Expires with January 31, 1980.

o Change)
 o Increase) Decision No.
 o Reduction)

89836

EFFECTIVE FEBRUARY 1, 1979

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 MONTHLY VEHICLE UNIT VOLUME TENDER RATES "Plan A"</p> <p>NOTE 5.--Rates provided in Rate Group A shall apply on gasoline as described in Rate Group A of Item 30, and rates provided in Rate Group C shall apply on diesel fuel as described in Rate Group C of Item 30.</p> <p>NOTE 6.--The following minimum gallons per load shall apply on all transportation provided under this item except as provided in Note 7:</p> <table border="0" style="margin-left: 40px;"> <tr> <td>Gasoline</td> <td style="text-align: right;">8,950 Gallons</td> </tr> <tr> <td>Diesel Fuel</td> <td style="text-align: right;">7,800 Gallons</td> </tr> </table> <p>NOTE 7.--Mixed shipments consisting of commodities listed in Rate Groups A and C shall be subject to a minimum of 8,350 gallons per unit. Charges will be computed at the separate rate applicable for each commodity in the shipment. When a mixed shipment is less than 8,350 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>NOTE 8.--Carrier will allow a total of one and one-quarter (1 1/4) hours as free time for the completion of loading and unloading. A charge of \$4.50 for each fifteen (15) minutes (or fraction thereof) shall be assessed for the time carrier's equipment is detained through no fault of the carrier to complete loading or unloading in excess of the free time specified above.</p> <p>NOTE 9.--Collect on delivery (C.O.D.) shipments will be transported under the provisions of this item, subject to an additional charge of \$3.80 per collection with a maximum charge of \$9.85 per week.</p> <p>NOTE 10.--Carrier will not be obligated to furnish more than one unit of equipment for the transportation service provided for herein. Such equipment furnished by carrier shall meet prevailing environmental regulations in the geographical scope of this item. A unit of equipment shall consist of a truck; a truck and trailer combination; a tractor-semitrailer combination, or, a tractor-double trailer combination.</p> <p>NOTE 11.--Upon notice of cancellation of service under this item, the provisions of this item shall continue through the last day of the calendar month. Any service period less than a week will be rated by averaging the weekly loaded miles for the preceding 4 weeks and applying the appropriate rate group. Such fractional service period shall not be subject to Note 12.</p> <p>NOTE 12.--After transportation service has begun under the provisions of this item, any service performed in a week which results in less than 1,200 loaded miles will be subject to the provisions of Item 400 (Distance Rates), subject to a minimum charge of \$565.00 per week whether transportation has been performed or not.</p> <p>NOTE 13.--When transportation is performed under this item, the following rules will not apply:</p> <table border="0" style="margin-left: 40px;"> <tr> <td>Item 130</td> <td>- Collect on Delivery Shipments</td> </tr> <tr> <td>Item 160</td> <td>- Demurrage or Detention Charges</td> </tr> <tr> <td>Item 190</td> <td>- Minimum Charge</td> </tr> <tr> <td>Item 200</td> <td>- Mixed Shipments</td> </tr> <tr> <td>Item 210</td> <td>- Issuance of Shipping Documents</td> </tr> <tr> <td>Item 290</td> <td>- Vapor Recovery and/or Bottom Loading Equipment.</td> </tr> </table> <p>NOTE 14.--When the total empty miles (determined in accordance with Note 1) exceed the total loaded miles of the tender, an additional charge of 78 cents per mile will be made for each excess empty mile traveled by the carrier's equipment.</p>	Gasoline	8,950 Gallons	Diesel Fuel	7,800 Gallons	Item 130	- Collect on Delivery Shipments	Item 160	- Demurrage or Detention Charges	Item 190	- Minimum Charge	Item 200	- Mixed Shipments	Item 210	- Issuance of Shipping Documents	Item 290	- Vapor Recovery and/or Bottom Loading Equipment.	<p>(E) 8527 (Con- clud- ed)</p>
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Item 290	- Vapor Recovery and/or Bottom Loading Equipment.																
<p>806 (E) Expires with January 31, 1980.</p> <table border="0" style="margin-left: 20px;"> <tr> <td>Δ Change</td> <td>)</td> <td></td> </tr> <tr> <td>◊ Increase</td> <td>)</td> <td>Decision No.</td> </tr> <tr> <td>◊ Reduction</td> <td>)</td> <td></td> </tr> </table>	Δ Change)		◊ Increase)	Decision No.	◊ Reduction)		<p>89836</p>							
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Correction

SECTION 4--VEHICLE UNIT RATES (Continued)

ITEM

SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "PLAN B"

(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 Bakersfield to points in California located within 250 miles of Bakersfield.

(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 Vehicle Unit Volume Tender Plan B; 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. (Per form of agreement, see Item 530.)

(3) All applicable rates and charges must be paid by the consignor and shall be applied subject to Notes 1 through 11, as follows:

Miles But Not Over	Over	Rates In Cents Per Gallon Per Shipment #			
		Rate Group (4)		Rate Group (5)	
		A	B C	A	B C
0	5	.40	.46	.38	.45
5	10	.43	.48	.46	.51
10	15	.53	.61	.50	.56
15	20	.62	.69	.58	.66
20	25	.68	.76	.65	.72
25	30	.74	.83	.71	.80
30	35	.82	.92	.79	.87
35	40	.90	1.01	.85	.97
40	45	.98	1.11	.92	1.04
45	50	1.04	1.19	1.00	1.14
50	60	1.21	1.32	1.16	1.26
60	70	1.32	1.54	1.26	1.47
70	80	1.52	1.72	1.44	1.64
80	90	1.67	1.90	1.60	1.81
90	100	1.83	2.06	1.74	1.98
100	110	1.98	2.24	1.88	2.15
110	120	2.15	2.42	2.04	2.30
120	130	2.29	2.59	2.19	2.47
130	140	2.45	2.78	2.34	2.64
140	150	2.62	2.96	2.49	2.81
150	160	2.76	3.14	2.63	2.98
160	170	2.91	3.30	2.78	3.15
170	180	3.07	3.48	2.93	3.31
180	190	3.23	3.66	3.07	3.48
190	200	3.38	3.84	3.22	3.65
200	210	3.55	4.01	3.38	3.82
210	220	3.69	4.19	3.52	3.99
220	230	3.85	4.37	3.66	4.16
230	240	4.01	4.53	3.82	4.32
240	250	4.17	4.71	3.97	4.49

(F)
#528

0 Includes transportation of commodities described in Rate Group I.

(4) Applies on volumes of 750,000 gallons but less than 1,000,000 gallons per month.

(5) Applies on volumes of 1,000,000 gallons or more per month.

000(E) Expires with January 31, 1980.

Change)
 Increase) Decision No.
 Reduction)

89836

EFFECTIVE FEBRUARY 1, 1979

Correction

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,
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SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM																	
SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "PLAN B"																		
<p>NOTE 1.--In the application of rates 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.</p> <p>NOTE 2.--As used in this Item a "30-day tender" shall mean 720 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 offered for transportation; such unit of carrier's equipment to contain no meters nor pumps. However, carrier agrees that each unit furnished for the transportation services provided for in this item will comply with local, state and federal environmental regulations applicable within the geographical scope of the provisions of this item. (See Note 4).</p> <p>NOTE 4.--Shipments which require pumps or meters will be accepted and shall be rated under the provisions of Item 400 of this tariff. The charges of such shipments may be used to make up the minimum charge requirements of this item.</p> <p>NOTE 5.--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.</p> <p>NOTE 6.--Mileage applicable in connection with this item shall be computed in accordance with Item 150.</p> <p>NOTE 7.--Carrier will allow a total of one and one-quarter (1 1/4) hours as free time for the completion of loading and unloading. A charge of \$4.50 for each fifteen (15) minutes (or fraction thereof) shall be assessed for the time carrier's equipment is detained through no fault of the carrier to complete loading or unloading in excess of the free time specified above.</p> <p>NOTE 8.--When transportation is performed under the provisions of this item, the following rules will not apply:</p> <table style="margin-left: 40px; border: none;"> <tr> <td style="padding-right: 20px;">Item 160</td> <td>- Demurrage or Detention Charges</td> </tr> <tr> <td>Item 210</td> <td>- Issuance of Shipping Documents</td> </tr> <tr> <td>Item 190</td> <td>- Minimum Charge, except when transported subject to Item 400 pursuant to provisions of Note 4.</td> </tr> <tr> <td>Item 290</td> <td>- Vapor Recovery and/or Bottom Loading Equipment.</td> </tr> </table> <p>NOTE 9.--Transportation charges shall be assessed by computing mileage from point of origin to point of destination which shall be determined in accordance with the method provided in the governing distance table (see Item 150).</p> <p>NOTE 10.--Transportation charges shall be assessed upon units of carrying capacity as follows:</p> <table style="margin-left: 40px; border: none; width: 60%;"> <thead> <tr> <th style="text-align: center; border-bottom: 1px solid black;">Commodities (As described in Item 30) Rate Group</th> <th style="text-align: center; border-bottom: 1px solid black;">Minimum Gallons Per Unit of Carrier's Equipment</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">A</td> <td style="text-align: center;">9,000</td> </tr> <tr> <td style="text-align: center;">B</td> <td style="text-align: center;">8,750</td> </tr> <tr> <td style="text-align: center;">C</td> <td style="text-align: center;">7,950</td> </tr> </tbody> </table> <p>NOTE 11.--Rates provided in this item are subject to a minimum charge of \$6,448.00 per 30 day tender. Minimum charge shall be exclusive of any accessorial service charges which may be assessed.</p>		Item 160	- Demurrage or Detention Charges	Item 210	- Issuance of Shipping Documents	Item 190	- Minimum Charge, except when transported subject to Item 400 pursuant to provisions of Note 4.	Item 290	- Vapor Recovery and/or Bottom Loading Equipment.	Commodities (As described in Item 30) Rate Group	Minimum Gallons Per Unit of Carrier's Equipment	A	9,000	B	8,750	C	7,950	(12) 6524 (Con- clud- ed)
Item 160	- Demurrage or Detention Charges																	
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<table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"> ◊ Change) ◊ Increase) ◊ Reduction) </td> <td style="width: 30%; vertical-align: middle;">Decision No.</td> <td style="width: 40%; text-align: center; vertical-align: middle; font-size: 1.2em;">89836</td> </tr> </table>		◊ Change) ◊ Increase) ◊ Reduction)	Decision No.	89836														
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