

HAH/FS*

Decision No. 90442 JUN 19 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 revisions)
or reissues thereof.)

Case No. 5436
Petition for Modification
No. 282
(Filed April 9, 1979)

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 June 30, 1980 the expiration date of Item 505 of MRT 6-B.

Petitioner states that these "Single Shift Unit Volume Tender Plan" provisions shown in Item 505 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 April 11, 1979. 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 and that the effective date of this order should be the date hereof because there is an immediate need for this relief.

In Decision 90354, issued May 22, 1979, the Commission decided that Minimum Rate Tariffs 6-B and 13 are no longer in the public interest and should be eliminated effective January 31, 1980. Provision was made for publication of a transition tariff to facilitate the conversion from minimum rate regulation to a system of individual carrier-filed rates. The provision at issue in this petition will be incorporated into the transition tariff provided for in Decision 90354 when MRT 6-B is eliminated.

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 1, 1979, Fifth Revised Page 35-A and Fifth Revised Page 35-B, 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 made effective not earlier than July 1, 1979, 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 page 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.

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

7. The Executive Director shall serve a copy of each tariff amendment 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 19th day of JUNE, 1979.

John E. Byron
President

Robert D. Gault

Clare J. DeSique

Donald W. Smith
Commissioners

I abstain
Vernon L. Sturgeon

SECTION 4--VEHICLE UNIT RATES (Continued)	ITEM
<p style="text-align: center;">SINGLE SHIFT UNIT VOLUME TENDER PLAN</p> <p>1. The rates in this item will apply for the transportation of all commodities as described in Item 30, Rate Groups A, B and C except those commodities requiring pressurized equipment from any points of origin within Group 6 (Torrance) to any points of destination located within 50 miles of the first point of origin when performed subject to and in accordance with the provisions of this item.</p> <p>2. The provisions of this item apply only when, prior to the transportation of the property, the shipper has requested verbally or in writing that the transportation be performed under the provisions of this item and charges are prepaid; provided, that if requested verbally, the shipper 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 rates to apply for service under this item shall be as follows, subject to Notes 1 through 14:</p> <p style="text-align: center;">RATES (Vehicle Unit Rates)</p> <p>(a) The basic charge per unit of carrier's equipment shall be \$56.35 per day.</p> <p style="text-align: center;">PLUS</p> <p>(b) An additional charge of \$15.25 per man, per hour, for all time that driver or drivers are assigned to, but not actually driving the carrier's equipment. For all time that drivers are actually driving carrier's equipment, the additional charge shall be assessed at \$15.25 per man, per hour, or 34 cents per mile, whichever produces the higher total charge. (See minimum charge in Note 13.)</p> <p style="text-align: center;">PLUS</p> <p>(c) An additional charge per mile of 39 cents subject to a minimum charge for 250 miles.</p> <p>NOTE 1.--Each engagement shall commence at time of arrival of carrier's equipment at point of origin and shall terminate at the expiration of the fifteenth (15th) consecutive hour thereafter or earlier if released by the shipper within such time period, provided that the engagement shall not be deemed to be terminated until carrier's equipment is returned or charges are paid for return of carrier's equipment to the first point of origin of the engagement.</p> <p>NOTE 2.--Single shift means 15 consecutive hours.</p> <p>NOTE 3.--As used in this item, the term carrier's equipment also includes replacement units when the original carrier's equipment furnished becomes inoperable while engaged in service under provisions hereof.</p> <p>NOTE 4.--Mileages applicable in connection with this item shall be actual mileages and shall include all miles operated for any purpose during the period of engagement.</p> <p>NOTE 5.--Charges for time used in excess of 15 hours shall be computed as follows:</p> <p>(a) At the rate of \$16.70 per hour or fraction thereof plus 46 cents per mile until delivery of the product is completed, plus</p> <p>(b) At the rate of 64 cents per mile for return of equipment from the point of final delivery to the first point of origin of the engagement, said charge to be based on actual mileage and applied regardless of whether carrier's equipment is physically returned to the first point of origin of the engagement.</p> <p style="text-align: center;">(Continued on next page)</p>	<p style="text-align: center;">4(E) 505</p>
<p>øøø(E) Expires with June 30, 1980.</p> <p>ø Change) ø Increase) Decision No. 90442 ø Reduction)</p>	
<p>EFFECTIVE JULY 1, 1979</p>	
<p>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																
SINGLE SHIFT UNIT VOLUME TENDER PLAN (Concluded)																	
<p>NOTE 6.--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 (Internal Cargo Tank Cleaning) for the cleaning of the unit of carrier's equipment. In addition to such charges, carrier will also assess the applicable mileage and hourly charges set forth herein.</p>																	
<p>NOTE 7.--When transportation is performed under provisions of this item the following rules will not apply:</p>																	
<table border="0"> <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 210 -</td><td>Issuance of Shipping Documents</td></tr> <tr><td>Item 220 -</td><td>Shipments Stopped In Transit for Weighing, Application of Seals or Partial Loading or Unloading</td></tr> <tr><td>Item 230 -</td><td>Shipments Diverted</td></tr> <tr><td>Item 240 -</td><td>Shipments Returned</td></tr> <tr><td>Item 280 -</td><td>Internal Cargo Tank Cleaning (except as provided in Note 6 herein)</td></tr> <tr><td>Item 290 -</td><td>Vapor Recovery and/or Bottom Loading Equipment</td></tr> </table>		Item 160 -	Demurrage or Detention Charges	Item 190 -	Minimum Charge	Item 210 -	Issuance of Shipping Documents	Item 220 -	Shipments Stopped In Transit for Weighing, Application of Seals or Partial Loading or Unloading	Item 230 -	Shipments Diverted	Item 240 -	Shipments Returned	Item 280 -	Internal Cargo Tank Cleaning (except as provided in Note 6 herein)	Item 290 -	Vapor Recovery and/or Bottom Loading Equipment
Item 160 -	Demurrage or Detention Charges																
Item 190 -	Minimum Charge																
Item 210 -	Issuance of Shipping Documents																
Item 220 -	Shipments Stopped In Transit for Weighing, Application of Seals or Partial Loading or Unloading																
Item 230 -	Shipments Diverted																
Item 240 -	Shipments Returned																
Item 280 -	Internal Cargo Tank Cleaning (except as provided in Note 6 herein)																
Item 290 -	Vapor Recovery and/or Bottom Loading Equipment																
<p>NOTE 8.--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 9.--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 3 years from the date of issuance.</p>	6(11) 505																
<p>NOTE 10.--When the total loaded miles exceed the total empty miles of the tender, an additional charge of 5 1/2 cents per mile will be made for each excess loaded mile traveled by the carrier's equipment.</p>																	
<p>NOTE 11.--No allowance shall be made to the shipper for any non-productive or lost time except that if the carrier's equipment is inoperable for a period exceeding 4 hours in any day awaiting replacement or repair, the shift period shall be extended for any such time exceeding 4 hours.</p>																	
<p>NOTE 12.--In the event that a driver is unable to complete a shipment because of an excess of hours of service and must layover enroute as required by law, a charge of \$15.25 per hour, minimum 8 hours, will be assessed in addition to all other time that a driver is assigned to operate the carrier's equipment.</p>																	
<p>NOTE 13.--Subject to a minimum charge based upon 14 hours for each engagement that a driver is assigned to operate carrier's equipment.</p>																	
<p>NOTE 14.--If at shipper's request, equipment includes bottom loading capability the following additional charges shall be assessed per day:</p>																	
<table border="0"> <tr><td>Tanks with bottom loader, per compartment.....</td><td>\$1.25 (1)</td></tr> <tr><td>Tank with vapor recovery system, per compartment.....</td><td>\$1.25 (1)</td></tr> </table>		Tanks with bottom loader, per compartment.....	\$1.25 (1)	Tank with vapor recovery system, per compartment.....	\$1.25 (1)												
Tanks with bottom loader, per compartment.....	\$1.25 (1)																
Tank with vapor recovery system, per compartment.....	\$1.25 (1)																
<p>(1) Minimum Charge \$4.80</p>																	
<p>606(E) Expires with June 30, 1980</p> <table border="0"> <tr><td>∅ Change)</td><td></td></tr> <tr><td>∅ Increase)</td><td>Decision No.</td></tr> <tr><td>∅ Reduction)</td><td></td></tr> </table> <p style="text-align: center; font-size: 1.5em;">30442</p>		∅ Change)		∅ Increase)	Decision No.	∅ Reduction)											
∅ Change)																	
∅ Increase)	Decision No.																
∅ Reduction)																	
<p>EFFECTIVE JULY 1, 1979</p>																	
<p style="text-align: center;">ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>																	

Correction