

AUG 14 1979

Decision No. 90668

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. 287
 (Filed May 29, 1979)

ORDER RESCINDING DECISION NO. 90581
 AND GRANTING PETITION FOR MODIFICATION

Decision 90581, dated July 17, 1979, dismissed without prejudice Petition for Modification 287 in Case 5436 for failure to allege "exceptional need" as required by Decision 90354.

It has been brought to the Commission's attention that the dismissal of California Trucking Association's proposal would have an adverse effect on traffic by tending to increase the shift of available for-hire carrier traffic to proprietary carriage. Therefore, it is the consensus of the Commission that a real need for the proposed modification does exist and that Decision 90581 should be rescinded and petitioner's proposal granted.

California Trucking Association states that the current provisions of Item 529 in Minimum Rate Tariff 6-B provide for an incentive reduction only on transportation of Commodity Rate Groups A, B, C or E. Petitioner further states that there exists a potential for volume movement of commodities described in Commodity Rate Groups D (residual fuel oil) and F (crude oil). Accordingly, petitioner desires to make Rate Groups D and F commodities subject to Item 529.

CTA avers that the addition of Commodity Rate Groups D and F to Item 529 of MRT 6-B is desired by both shippers and carriers alike, and the proposal would promote just and reasonable

rates and service in the public interest. Relief from the long- and short-haul provisions of Sections 460 and 461.5 is also sought.

The petition was listed on the Commission's Daily Calendar of May 30, 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 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 petition should be granted to the extent 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 25, 1979, Eighth 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 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 August 25, 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 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.

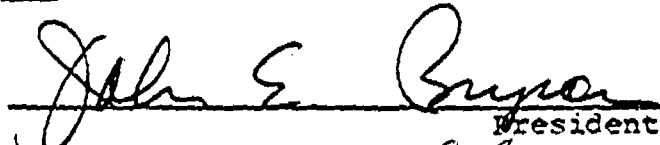
5. In all other respects, Decision 82350, as amended, shall remain in full force and effect.

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.

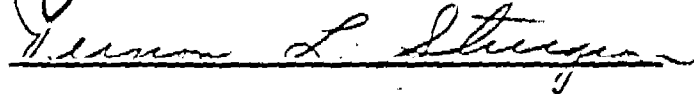
7. The Executive Director shall serve a copy of the tariff amendment on each subscriber to Minimum Rate Tariff 6-B.

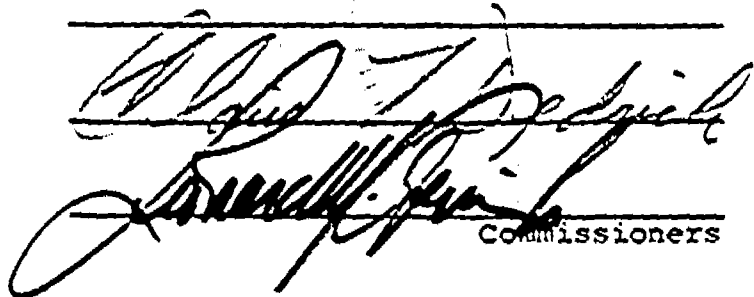
The effective date of this order is the date hereof.

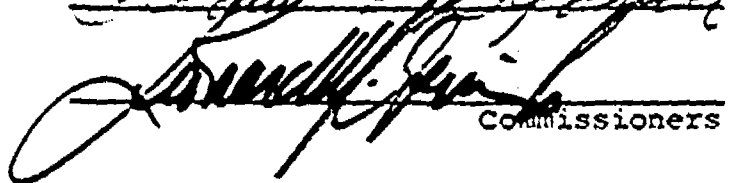
Dated AUG 14 1979, at San Francisco, California.



President






_____ 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 Groups A, B, C, *0D, E, *0F 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 7, 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, *0D, E or *0F 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, *0D, E or *0F 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 (1) 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: 40px;"> <tr> <td>Monthly Incentive Agreement</td> <td style="text-align: right;">\$ 5,000.00</td> </tr> <tr> <td>Yearly Incentive Agreement</td> <td style="text-align: right;">\$50,000.00</td> </tr> </table> <p>¶NOTE 7.—When the shipper elects to utilize this item for transportation of a Rate Group *0D, E or *0F Commodity, the shipper will be restricted to the transportation of that one commodity for the period of the tender.</p>	Monthly Incentive Agreement	\$ 5,000.00	Yearly Incentive Agreement	\$50,000.00	<p>(E) 6529</p>
Monthly Incentive Agreement	\$ 5,000.00				
Yearly Incentive Agreement	\$50,000.00				
<p>(E) Expires with April 30, 1980.</p> <p>Change) Reduction) Decision No. 90668</p>					
<p>EFFECTIVE 8/25/79</p>					
<p>ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.</p>					

Correction