

Decision No. 90890 OCT 10 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 any)
and all commodities statewide)
including, but not limited to,)
those rates which are provided)
in Minimum Rate Tariff 2 and the)
revisions or reissues thereof.)

Case No. 5432
Petition for Modification
No. 1042
(Filed March 7, 1979)
(Amended June 15, 1979)
(Amended July 13, 1979)
(Amended August 16, 1979)
(Amended September 24, 1979)

-) Case No. 5330
-) Petition for Modification No. 106
-) Case No. 5433
-) Petition for Modification No. 71
-) Case No. 5436
-) Petition for Modification No. 281
-) Case No. 5437
-) Petition for Modification No. 305
-) Case No. 5438
-) Petition for Modification No. 121
-) Case No. 5439
-) Petition for Modification No. 333
-) Case No. 5440
-) Petition for Modification No. 108
-) Case No. 5441
-) Petition for Modification No. 413
-) Case No. 5603
-) Petition for Modification No. 214
-) Case No. 5604
-) Petition for Modification No. 64
-) Case No. 6008
-) Petition for Modification No. 39
-) Case No. 7783
-) Petition for Modification No. 162
-) Case No. 7857
-) Petition for Modification No. 168
-) Case No. 8808
-) Petition for Modification No. 47
-) Case No. 9819
-) Petition for Modification No. 36
-) Case No. 9820
-) Petition for Modification No. 14
-) (Filed March 7, 1979)
-) (Amended June 15, 1979)
-) (Amended July 13, 1979)
-) (Amended August 16, 1979)
-) (Amended September 24, 1979)

And Related Matters.

FIFTH INTERIM OPINION AND ORDER

By amendments to the above petitions, the California Trucking Association (CTA) requests the Commission to direct its staff to develop current data and formulas to reflect increases in petroleum-derived (fossil) fuels in the various minimum rate tariffs (MRTs).

All of the petitions were consolidated for public hearing on a single record before Administrative Law Judge Arthur M. Mooney in San Francisco on April 20 and 21, 1979. The proceeding was submitted subject to the receipt of late-filed Exhibit 7, which was received on April 30, 1979. However, because of the continuing uncertainties that exist regarding the future pricing of gasoline and diesel fuels, the submissions were set aside and the proceedings will remain open for the consideration of the effect on tariff rates and charges of any future adjustments in fuel prices that may be brought to the Commission's attention.

The only issue on which there is any controversy is the amount of fuel increase on which to base the fuel surcharge for each of the MRTs. CTA recommends that a 40 cents per gallon increase be used for all tariffs. The staff recommends that a 36 cents per gallon be used for MRTs 10 and 11-A; 38 cents per gallon increases for MRTs 8-A and 12-A; 40 cents per gallon for MRTs 1-B, 3-A, 6-B, 9-B, 13, 18, 19, 2 and 15 (per mile); 41 cents per gallon for MRTs 7-A, 17-A and 20; 44 cents per gallon for MRT 14-A; and MRT 4-B be increased by 32 cents a gallon. The staff points out that its recommendation is based on the most current fuel price data submitted by carriers to the Commission's Data Bank.

The only matter requiring comment is the amount of fuel increases to be reflected in the various MRTs. As to the other issues, the evidence clearly established that substantial increases in fuel prices have occurred in recent months and that these increases are not included in the costs on which the minimum rates are based.

We will adopt the staff formula for the purposes of this decision, and will apply the amount of fuel increases recommended by the staff. While the proposal by the CTA to the amount of increase to apply may have some merit, it is based on rather limited surveys; whereas, the staff proposal on this issue is based on the current information in its Data Bank which is a summation of a continual survey of prices paid by truckers.

As stated in our Resolution No. M-4704 dated January 30, 1979, "rate increases, such as for energy...shall be exempt" from wage and price standards. This, therefore, is not a consideration in this proceeding. It is estimated that the additional increases authorized herein will generate several million dollars of additional revenue for all carriers operating under the MRTs. However, as is evident, this additional revenue merely offsets the additional fuel costs carriers are paying.

Because the increased fuel costs are already being paid by carriers, the order which follows will be made effective on the date it is issued, and the order will provide that the tariff supplements will be effective on November 4, 1979 and that required or authorized tariff publications may be made on five days' notice. The newly authorized surcharges will be in addition to all previous surcharges.

Findings of Fact

1. Due to the existing nationwide energy crisis and the resulting fuel shortages and accelerating costs, the for-hire highway carriers operating intrastate within California have experienced substantial increases in their fuel costs in the last several months.
2. The increases in fuel costs referred to in Finding 1 are not now reflected in the historical cost data underlying the level of rates in the Commission's various MRTs.
3. As a result of the existing energy crisis, the highway carriers governed by the Commission's MRTs have experienced fuel increases of such magnitude as to justify fuel cost offset adjustments in the MRTs when such cost increases occur, or within a reasonable or short time thereafter.

4. The staff's fuel cost surcharge computations have been shown to be an appropriate basis for adjusting the various MRTs to reflect the substantial increases in fuel costs that have been occurring in recent months.

5. The staff recommended 36 cents per gallon increase be used for MRTs 10 and 11-A; 38 cents per gallon increase for MRTs 8-A and 12-A; 40 cents per gallon for MRTs 1-B, 3-A, 6-B, 9-B, 13, 18, 19, 2 and 15 (per mile); 41 cents per gallon for MRTs 7-A, 17-A and 20; 44 cents per gallon for MRT 14-A; and 32 cents per gallon for MRT 4-B are reasonable bases for adjusting the MRTs in this interim decision.

6. The fuel offset surcharges reflect the fuel increases referred to in Finding 5 are reasonable and justified and should be adopted on an interim basis pending any further adjustment that may be justified in the future.

7. As stated in Commission Resolution No. M-4704 dated January 30, 1979, "rate increases, such as for energy...shall be exempt" from wage and price standards. The fuel offset surcharges authorized herein are within this category.

Conclusions of Law

1. The amendments to the petitions of CTA in Case No. 5432 (Petition 1042), et al. should be granted to the extent provided in the following order.

2. The interim cost offset increases authorized herein should be put into effect through the application of surcharges.

3. Since carriers are already paying the increased fuel costs, the order which follows should be made effective on the date hereof, and the surcharge supplements to the various MRTs should be made effective October 28, 1979.

4. For purposes of tariff distribution, the immediate surcharge amendments to MRTs 1-B, 2, 9-B, 15 and 19 will be provided in the ensuing order and like tariff amendments to the other MRTs will be grouped according to general types of service in supplemental orders.

5. This proceeding should remain open to consider further interim decisions and orders as the circumstances may require.

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision No. 31606, as amended) is further amended by incorporating therein, to become effective October 28, 1979, Supplement 150 attached hereto and by this reference made a part hereof.

2. Minimum Rate Tariff 1-B (Appendix B to Decision No. 65834, as amended) is further amended by incorporating therein, to become effective October 28, 1979, Supplement 39 attached hereto and by this reference made a part hereof.

3. Minimum Rate Tariff 9-B (Appendix A to Decision No. 67766, as amended) is further amended by incorporating therein, to become effective October 28, 1979, Supplement 34 attached hereto and by this reference made a part hereof.

4. Minimum Rate Tariff 15 (Appendix D to Decision No. 65072, as amended) is further amended by incorporating therein, to become effective October 28, 1979, Supplement 31 attached hereto and by this reference made a part hereof.

5. Minimum Rate Tariff 19 (Appendix A to Decision No. 41363, as amended) is further amended by incorporating therein, to become effective ~~October 28~~, 1979, Supplement 48 attached hereto and by this reference made a part hereof.

6. Common carriers subject to the Public Utilities Act, to the extent that they are subject also to Decisions Nos. 31606, 65834, 67766, 65072, and 41363, as amended, are directed to establish in their tariffs the increases necessary to conform with the further adjustments ordered by this decision.

7. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariffs 2, 1-B, 9-B, 15 and 19 are authorized to increase such rates by the same amounts authorized by this decision for the respective tariffs.

8. Common carriers maintaining rates on the same level as Minimum Rate Tariffs 2, 1-B, 9-B, 15 and 19 rates for the transportation of commodities and/or for transportation not subject to these tariffs are authorized to increase such rates by the same amounts authorized by this decision for the respective tariff rates.

9. Common carriers maintaining rates at levels other than the minimum rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariffs 2, 1-B, 9-B, 15 and 19 are authorized to increase such rates by the same amounts authorized by this decision for the respective tariff rates.

10. Any provisions currently maintained in common carrier tariffs which are more restrictive than, or which produce charges greater than, those contained in Minimum Rate Tariffs 2, 1-B, 9-B, 15 and 19 are authorized to be maintained in connection with the increased rates and charges directed to be established by Ordering Paragraph 6 hereof.

11. Common carriers maintaining rates not otherwise specifically referred to in other ordering paragraphs of this decision are authorized to increase such rates by the amount of the applicable fuel surcharge granted herein.

12. Tariff publications required to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the effective date of the supplements attached hereto on not less than five days' notice to the Commission and to the public; as to tariff publications as are authorized, but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

13. Common carriers, in establishing and maintaining the rates 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 rates published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.

14. Common carriers are authorized to depart from the Commission's tariff circular requirements only to the extent necessary in establishing the surcharge supplements authorized by this order.

15. In all other respects, Decisions Nos. 31606, 65834, 67766, 65072, and 41363, as amended, shall remain in full force and effect.

16. This proceeding shall remain open to consider future decisions and orders by the Commission as the existing circumstances surrounding the present fuel emergency may require.

17. 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 Tariffs 2, 1-B, 9-B, 15 and 19.

18. The Executive Director shall serve a copy of each of the tariff amendments on each subscriber to Minimum Rate Tariffs 2, 1-B, 9-B, 15 and 19.

The effective date of this order is the date hereof.

Dated OCT 10 1979, at San Francisco, California.

John E. Byrne
President

Vernon L. Sturgeon

Richard D. Howell

Stanley H. Jensen
Commissioners

Commissioner Claire T. Dodrick, being necessarily absent, did not participate in the disposition of this proceeding.

SURCHARGE SUPPLEMENT

ORDERED BY THE PUBLIC UTILITIES COMMISSION
SUPPLEMENT 18

(Cancels Supplement 17) (Cancels Supplement 150)

(Supplement 18 Contains All Changes)
(Cancels Supplement 149)

(Supplements 73, 77, 87, 124, 127, 139
and 150 Contain All Changes)

MINIMUM RATE TARIFF 3-A

MINIMUM RATE TARIFF 2

MINIMUM RATES AND RULES

NAMING

TRANSMISSION RATES AND RULES OVER THE

PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA
RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

CEMENT CONTRACT CARRIERS

DUMP TRUCK CARRIERS

AND

HOUSEHOLD GOODS CARRIERS

Decision No.

90890

EFFECTIVE

Decision No.

90890

EFFECTIVE

10/28/79

APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the provisions of this tariff, and increase the amount so computed as follows:

1. By ten and one-half (10½) percent on charges computed at rates provided in Items 640, 643, 646;
2. By two and three-quarters (2¾) percent on charges computed at rates provided in Item 721;
3. Except as provided in paragraphs 1 and 2, by twelve and one-quarter (12¼) percent on charges computed at rates subject to minimum weights of 5,000 pounds or more;
4. By four and one-quarter (4¼) percent on rates in Item 631 and Note 10 of Item 633;
5. By ten and three-quarters (10¾) percent on all other rates and charges.

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (½) cent shall be dropped, and fractions of one-half (½) cent or greater shall be increased to the next higher whole cent.

6. The surcharges herein shall not apply to:
 1. Supplement 139;
 2. Item 110 - Deductions;
 3. Item 124 - Charges for Escort Service Stated in Cents per Mile in Paragraph (2), and charges in Paragraphs (b) and (c);
 4. Item 128 - Charges for Permit Shipments;
 5. Item 141 - Storage and Reloading Charges;
 6. Item 143 - Demurrage Charge;
 7. Item 145 - Accessorial Charges in Subparagraph (b);
 8. Item 147 - Advertising on Equipment;
 9. Item 181-1 - Special C.O.D. Service;
 10. Item 182 - Collect on Delivery (C.O.D.) Shipments;
 11. Items 185-1 through 187-3 - Temperature Control Service;
 12. Items 200 through 230 - (Railhead-to-railhead Charges Only).

THE END

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Increase, Decision No.

90890

SURCHARGE SUPPLEMENT

REGULATIONS TO CONTRACTORS

THIS SUPPLEMENT IS ISSUED TO THE REGULATIONS, SUPPLEMENTS AND DECISIONS OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, AS AMENDED BY SUPPLEMENT 39.

IT IS ORDERED (Cancels Supplements 38) That the following regulations (Supplements 20 and 39 Contain ALL Changes)

be applicable to the following (P.U.C.) Regulations and Supplements TO

REGULATIONS, SUPPLEMENTS AND DECISIONS OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, AS AMENDED BY SUPPLEMENT 39, AND TO THE MINIMUM RATE TARIFF 1-B.

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS WITHIN AND

BETWEEN THE CITIES OF

ALAMEDA ALBANY BERKELEY

EMERYVILLE OAKLAND PIEDMONT

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

CEMENT CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

AND

Decision No.

90850

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EFFECTIVE

10/28/79

APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the provisions of this tariff, and increase the amount so computed as follows:

1. By eleven and one-half (11½) percent on charges computed to minimum weights of 4,000 pounds or more.
2. By twelve and one-half (12½) percent on all other rates and charges.

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (½) cent shall be dropped, and fractions of one-half (½) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharges herein shall not apply to:

1. Item 130 - Alternative Application of Common Carrier Rates (Railhead-to-railhead portion only);
2. Item 152 - Collect on Delivery Shipments;
3. Item 153 - Special C.O.D. Service;
4. Item 160 - Charges for Escort Service;
5. Item 170 - Charges for Permit Shipments;
6. Item 180 - Failure to Accomplish Delivery;
7. Item 210 - Export Freight Clearances;
8. Item 250 - Loss and/or Damage Claims;
9. Item 260 - Marking or Tagging of Packages.

THE END

Increase, Decision No.

90890

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BY MAILING

SUPPLEMENT 34
(Cancels Supplement 33)

(Supplements 13 and 34 contain all changes to the minimum rate tariff supplement of 1968 and 1969)

MINIMUM RATE TARIFF 9-B
MINIMUM RATE TARIFF 9-B

NAMING

MINIMUM RATES AND RULES

TRANSPORTATION OF PROPERTY

OVER THE PUBLIC HIGHWAYS
WITHIN A

DEFINED SAN DIEGO DRAINAGE AREA

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

CEMENT CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

SEE LIST

Decision No.

90890

EFFECTIVE

10/28/79

APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the provisions of this tariff, and increase the amount so computed as follows:

- 1. By eleven and one-half (11 1/2) percent on charges computed at rates subject to minimum weights of 4,000 pounds or more.
2. By twelve and one-half (12 1/2) percent on all other rates and charges.

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped, and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharges herein shall not apply to:

- 1. Item 110 - Alternative Application of Common Carrier Rates (Railhead-to-railhead portion only);
2. Item 150 - Charges for Escort Service;
3. Item 160 - Charges for Permit Shipments;
4. Item 167 - Failure to Accomplish Delivery;
5. Item 181-1 - Special Service;
6. Item 182 - Collection/Delivery Shipments.

THE END

Increase, Decision No.

90890

08802

REGULATIONS OF THE PUBLIC UTILITIES COMMISSION

Supplement 31

(Cancels Supplement 30)

(Supplements 12 and 31 Contain All Changes)

TO
MINIMUM RATE TABLE 15

NAMING

MINIMUM YEARLY, MONTHLY, WEEKLY AND HOURLY

VEHICLE UNIT RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS WITHIN THE

STATE OF CALIFORNIA

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

AND

CEMENT CONTRACT CARRIERS

Decision No.

90890

EFFECTIVE

10/28/79

APPLICATION OF SURCHARGE

01. Compute the amount of charges in accordance with rates and rules in this tariff, and increase the amount so computed by eight (8) percent. (See Exception)

EXCEPTION: The surcharge shall not apply to charges computed at Mileage Rates in Items 120 (Par. a, a mileage charge), 500 and 510 (Mileage Rates) and/or Temperature Control Service rates in Item 560.

2. Compute the amount of charges in accordance with the provisions of this tariff, including any surcharges applicable thereto under Paragraph 1 of this Supplement, and increase the applicable mileage rates and charges in Items 120 (Par. a, a mileage charge), 500 and 510 (Mileage Rates) as follows:

Present Mileage Rates in cents per mile	Amount of increase in cents per mile
Not more than 20	2 1/2
Over 20 but not more than 30	4 1/2
Over 30 but not more than 40	6 1/2
Over 40 -	9 1/2

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

THE END

o Increase, except as noted)
o No change)

Decision No. 90890

SURCHARGE SUPPLEMENT

CONTENTS OF SUPPLEMENT

THIS SUPPLEMENT IS ISSUED TO AMEND THE ORDER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, DATED AND CAPTIONED AS ABOVE, AND TO AMEND THE SUPPLEMENT TO SAID ORDER, DATED AND CAPTIONED AS ABOVE, AND TO AMEND THE SUPPLEMENT TO SAID ORDER, DATED AND CAPTIONED AS ABOVE.

SUPPLEMENT 48

(Cancels Supplement 47)
(Supplements 29 and 48 Contain All Changes)

TO AMEND THE ORDER OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, DATED AND CAPTIONED AS ABOVE, AND TO AMEND THE SUPPLEMENT TO SAID ORDER, DATED AND CAPTIONED AS ABOVE, AND TO AMEND THE SUPPLEMENT TO SAID ORDER, DATED AND CAPTIONED AS ABOVE.

MINIMUM RATE TARIFF 19 - 001 PAGE 1

MINIMUM RATES FOR FREIGHT - 001 PAGE 2

NAMING

MINIMUM RATES AND RULES - 001 PAGE 3

FOR THE

TRANSPORTATION OF PROPERTY OVER THE

PUBLIC HIGHWAYS

OF THE

CITY AND COUNTY OF SAN FRANCISCO

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

AND

DUMP TRUCK CARRIERS

00800

Decision No.

90890

EFFECTIVE

10/28/79

APPLICATION OF SURCHARGE

Except as otherwise provided, compute the amount of charges in accordance with the provisions of this tariff, including any surcharges applicable thereto under other supplements of this tariff, and increase the amount so computed by eleven (11) percent. (See Exception)

For purposes of disposing of fractions under provisions hereof, fractions of less than one-half (1/2) cent shall be dropped, and fractions of one-half (1/2) cent or greater shall be increased to the next higher whole cent.

EXCEPTION: The surcharge herein shall not apply to:

1. Item 104 - Charges for Escort Services;
2. Item 106 - Charges for Permit Shipments;
3. Item 111-1 - Special C.O.D. Service;
4. Item 112 - Collect on Delivery Shipments;
5. Item 130 - Collection of Loss and/or Damage Claims;
6. Item 140 - Delays in Delivery;
7. Item 160 - Export Freight Clearances;
8. Item 190 - Marking of Packages;
9. Item 265 - Alternative Application of Common Carrier Rates (Railhead-to-railhead portion only).

THE

UNITED STATES OF AMERICA

COMMISSION ON RAILROAD TARIFFS

THE END

BY

SECRETARY

o Increase, Decision No.

90890

10/28/57

SECRETARY

90890

Decision No.