

Decision No. 91281 JAN 29 1980**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation
for the purpose of considering and
determining minimum rates for the
transportation of petroleum and
petroleum products in bulk, in
tank truck equipment statewide as
provided in Minimum Rate Tariff 6-B,
and the revisions of reissues
thereof.

Case No. 5436
Petition for Modification
No. 293
(Filed November 21, 1979;
amended December 11, 1979)

INTERIM OPINION

Minimum Rate Tariff 6-B (MRT 6-B) names minimum rates and rules for the transportation of petroleum products, in bulk, in tank truck equipment, by petroleum contract carriers. By this petition California Trucking Association (CTA) seeks to have incorporated in MRT 6-B new special weekly volume tender rates. On December 11, 1979 CTA filed its first amendment to the petition wherein it requests that the expiration date of Item 527 of MRT 6-B (January 31, 1980) be extended on an interim basis until January 31, 1981 or until the effective date of a decision on the proposal set forth in Exhibit B of Petition For Modification No. 293.

In the first amendment CTA alleges that:

The special monthly volume tender provisions of Item 527 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. With such use and exposure, however, it became apparent that basic modification of the plan was needed, including the conversion from a monthly to a weekly plan. The result thereof was the filing of the Petition herein which converts from a monthly to a weekly plan with the total charges remaining at a comparable level.

The petition and the first amendment thereto were listed on the Commission's Daily Calendars of November 27, 1979 and December 12, 1979, respectively. There are no protests to the petition or the amendment thereto.

If the temporary monthly volume tender rates extended by this order were allowed to expire, increases in rates would result. Therefore, a special need exists for the continuance of the temporary rates until permanent rates can be established. In the circumstances, the Commission finds that petitioner's proposal to extend the expiration date of Item 527 of MRT 6-2 until such time as a decision on the merits of the proposal set forth in the petition is reasonable. The Commission concludes that the expiration date of Item 527 of MRT 6-3 should be extended to January 31, 1981 and that the effective date of this order should be the date hereof because there is an immediate need for the extension.

INTERIM ORDER

IT IS ORDERED that:

1. Minimum Rate Tariff 6-3 (Appendix A to Decision No. 82350, as amended) is further amended by incorporating therein, to become effective February 1, 1980, Eighth Revised Page 44-D, Seventh Revised Page 44-E, and Seventh Revised Page 44-F, 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 No. 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 thirty-nine days after the date hereof and may be made effective on not less than one day's 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 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 No. 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 JAN 29 1988, at San Francisco, California.

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

John E. Bryson
President
James L. Peterson
Harold W. Hovale
Lawrence M. Quinn
Commissioners

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 ^e FOR RATE GROUPS SHOWN (Subject to Notes 1 through 13)										§ (E) 527
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 A C		Rate Group A C		Rate Group A C		Rate Group A C		
0	5	.50	.56	.48	.54	.46	.52	.43	.50	
5	10	.53	.60	.51	.56	.49	.54	.46	.52	
10	15	.59	.65	.55	.63	.53	.59	.51	.56	
15	20	.64	.72	.61	.69	.58	.66	.55	.63	
20	25	.71	.79	.68	.75	.65	.72	.61	.69	
25	30	.77	.87	.74	.84	.77	.78	.67	.75	
30	40	.91	1.02	.86	.96	.83	.92	.77	.87	
40	50	1.06	1.19	1.00	1.14	.95	1.08	.91	1.03	
50	60	1.24	1.45	1.19	1.38	1.12	1.31	1.06	1.25	
60	70	1.44	1.65	1.37	1.58	1.29	1.51	1.24	1.43	
70	80	1.62	1.86	1.53	1.76	1.45	1.68	1.38	1.60	
80	90	1.77	2.06	1.69	1.95	1.60	1.87	1.52	1.78	
90	100	1.94	2.25	1.85	2.14	1.77	2.04	1.68	1.94	
100	110	2.11	2.47	2.01	2.35	1.93	2.24	1.83	2.13	
110	120	2.30	2.66	2.18	2.53	2.09	2.41	1.98	2.29	
(Continued on next page)										
<p>^e Includes transportation of commodities described in Rate Group I.</p> <p>§(E) Expires with January 31, 1981.</p> <p> § Change) § Increase) Decision No. 91281 § Reduction) </p>										
EFFECTIVE FEBRUARY 1, 1980										
ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.										
Correction										

MINIMUM RATE TARIFF b-b

SECTION 4--VEHICLE UNIT RATES (Continued)										ITEM
SPECIAL MONTHLY VEHICLE UNIT VOLUME TENDER RATES "Plan A"										
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										
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	2.47	2.86	2.35	2.71	2.24	2.59	2.13	2.46	
130	140	2.63	3.07	2.50	2.92	2.39	2.78	2.27	2.65	
140	150	2.81	3.25	2.68	3.11	2.55	2.96	2.42	2.81	
150	160	2.99	3.46	2.84	3.30	2.70	3.13	2.58	2.98	
160	170	3.15	3.66	3.00	3.50	2.86	3.32	2.71	3.15	
170	180	3.33	3.86	3.18	3.67	3.02	3.50	2.87	3.33	
180	190	3.50	4.06	3.33	3.87	3.18	3.69	3.01	3.51	
190	200	3.67	4.26	3.51	4.06	3.34	3.86	3.17	3.67	
200	210	3.85	4.46	3.66	4.25	3.49	4.04	3.32	3.84	
210	220	4.03	4.66	3.84	4.44	3.65	4.24	3.48	4.03	
220	230	4.20	4.87	4.00	4.63	3.81	4.41	3.62	4.20	
230	240	4.36	5.08	4.16	4.83	3.95	4.60	3.75	4.37	
240	250	4.55	5.32	4.33	5.01	4.12	4.78	3.91	4.54	6(E) 527

e 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)

600(E) Expires with January 31, 1981.

o Change)	Decision No. 91281
o Increase)	
o Reduction)	

EFFECTIVE FEBRUARY 1, 1980

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 style="margin-left: 40px;"> <tr> <td>Gasoline</td> <td>8,950 Gallons</td> </tr> <tr> <td>Diesel Fuel</td> <td>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 \$4.65 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 \$4.20 per collection with a maximum charge of \$10.85 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 \$600.00 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 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 80 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) 527 (Concluded)</p>
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