

Decision No. 91401 MAR 4 1980

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. 1001

OPINION AND ORDER AMENDING DECISION 89355

By Decision 89355, dated September 6, 1978, the Commission authorized the establishment of "Freight Not Otherwise Specified" volume incentive rates in Item 898 of Minimum Rate Tariff 2.

It has come to the Commission's attention that there are problems as to when these rates can be applied. Other similar volume incentive service items in the tariff require a shipper's request for the service and rates. Item 898 is silent in this respect. To remove any ambiguities and to promote consistency in the interpretation of the tariff, the Commission finds that Item 898 should be amended to include a proviso that the shipper must provide an appropriate annotation to the bill of lading in order to be accorded the "Freight Not Otherwise Specified" rates.

IT IS ORDERED that:

1. Minimum Rate Tariff 2 (Appendix D to Decision 31606, as amended) is further amended by incorporating therein, to become effective thirty-nine days after the date hereof, First Revised Page 66-N-67 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 31606, as amended, are directed to establish in their tariffs the amendment necessary to conform with the further adjustment ordered by this decision.

3. 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 made effective thirty-nine days after the date hereof, on not less than five days' notice to the Commission and to the public.

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 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 31606, 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 2.

7. The Executive Director shall serve a copy of the tariff amendment on each subscriber to Minimum Rate Tariff 2.

The effective date of this order shall be thirty days after the date hereof.

Dated MAR 4 1986, at San Francisco, California.

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

John E. Burton  
President  
Richard M. Stovall  
James M. Smith  
Commissioners

SECTION 3-B--VOLUME INCENTIVE SERVICE (Continued)	ITEM
<p style="text-align: center;">FREIGHT NOT OTHERWISE SPECIFIED</p> <p>A. The rates in this item shall not apply if:</p> <ol style="list-style-type: none"> <li>1. Commodity rates (or ratings) are provided in Section 3 of this tariff.</li> <li>2. Exceptions to the Governing Classification are provided in:               <ol style="list-style-type: none"> <li>a. Sections 1 or 3-A of this tariff.</li> <li>b. Exception Ratings Tariff 1.</li> </ol> </li> <li>3. Shipments contain any commodity subject to the provisions of the Hazardous Materials Tariff.</li> <li>*4. The shipper does not annotate the bill of lading with the words "FREIGHT NOT OTHERWISE SPECIFIED-VOLUME INCENTIVE SERVICE." By this annotation the shipper agrees to all requirements of this item as a prerequisite to application of the provisions herein.</li> </ol> <p>B. Rates in this item are subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Shipments shall be loaded by consignor and unloaded by consignee with power equipment furnished and used without expense to the carrier.</li> <li>2. With each unit of carrier's equipment:               <ol style="list-style-type: none"> <li>a. 1 1/2 hours free time is permitted for loading.</li> <li>b. 1 1/2 hours free time is permitted for unloading.</li> <li>c. Excess loading or unloading time shall be charged for at the rates provided in Item 145.</li> </ol> </li> <li>3. Service of a single carrier employee (driver) is included with each shipment. Service is restricted to work within or on carrier's equipment. Stacking, unstacking, removal or placement of merchandise on pallets, engagement or paying for services of helpers (or other parties) are not authorized services.</li> <li>4. Shipments shall be prepaid and released to one-half actual value, or 50 cents per pound per article, whichever is less.</li> <li>5. The rates shall not be used in combination with any other rates.</li> <li>6. The following tariff provisions do not apply in connection with this item:               <ul style="list-style-type: none"> <li>Items 160-163 - Split Pickup</li> <li>Items 170-173 - Split Delivery</li> <li>Item 188 - Multiple Service Shipment</li> <li>Item 896 - Multiple Utilization of Equipment</li> </ul> </li> <li>7. The rates shall not apply to bulk shipments, viz.: shipments not in bags, sacks, packages, or other containers (except bins of not less than 40 cubic feet capacity).</li> </ol> <p style="text-align: center;">(Continued on following page)</p>	8898

Change  
 Addition
 ) Decision No. **91401**

EFFECTIVE **4/12/80**

ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA,  
SAN FRANCISCO, CALIFORNIA.

Correction