

Decision No. 91568 APR 15 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 trans-)
 portation of general commodities within)
 San Diego County as provided in)
 Minimum Rate Tariff 9-3 and the)
 revisions or reissues thereof.)

Case No. 5439
 Petition for Modification
 No. 329
 (Filed September 29, 1978;
 amended March 12, 1979,
 July 31, 1979 and
 November 16, 1979)

FINAL OPINION AND ORDER

Decision No. 91567, entered today in Case No. 5432 (Petition 1034) et al. and Case No. 5439 (Petition 329), provided that Minimum Rate Tariff 9-3 should be made subject to certain interim cost offset increases and that amendment of the tariff by surcharge supplement should be accomplished by separate order.

IT IS ORDERED that:

1. Minimum Rate Tariff 9-3 (Appendix A of Decision No. 67766, as amended) is further amended by incorporating therein, to become effective April 20, 1980, Supplement 38, 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. 67766, as amended, are hereby directed to establish in their tariffs the amendments necessary to conform with the further adjustments ordered by this decision.
3. Common carriers maintaining rates on a level other than the minimum rates for transportation for which rates are prescribed in Minimum Rate Tariff 9-3 are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 9-3 rates.

4. Common carriers maintaining rates on the same level as Minimum Rate Tariff 9-B rates for the transportation of commodities and/or for transportation not subject to Minimum Rate Tariff 9-B are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 9-B rates.

5. 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 Tariff 9-B are authorized to increase such rates by the same amounts authorized by this decision for Minimum Rate Tariff 9-B rates.

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

7. 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 April 20, 1980, on not less than five days' notice to the Commission and to the public; as to tariff publications which are authorized, but not required, the authority shall expire unless exercised within sixty days after the effective date of this order.

8. 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.

9. In all other respects Decision No. 67766, as amended, shall remain in full force and effect.

10. 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 9-B.

11. The Executive Director shall serve a copy of each of the tariff amendments on each subscriber to Minimum Rate Tariff 9-B.

The effective date of this order is the date hereof.

Dated APR 15 1988, at San Francisco, California.

I dissent
John E. Bryson

President
William L. Stanton

Charles W. Howell

Clair T. Deibel

Commissioners

Commissioner John E. Bryson, being necessarily absent, did not participate.

SURCHARGE SUPPLEMENT

SUPPLEMENT 38

(Cancels Supplement 37)

(Supplements 15 and 38 Contain All Changes)

MINIMUM RATE TARIFF 9-B

NAMING

MINIMUM RATES AND RULES

FOR THE

TRANSPORTATION OF PROPERTY

OVER THE PUBLIC HIGHWAYS

AND WITHIN

DEFINED SAN DIEGO DRAINAGE AREA

BY

RADIAL HIGHWAY COMMON CARRIERS

HIGHWAY CONTRACT CARRIERS

AGRICULTURAL CARRIERS

CEMENT CONTRACT CARRIERS

AND

DUMP TRUCK CARRIERS

Decision No.

91568

EFFECTIVE

4/20/80

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: (See Exception)

1. By twenty-one and three-quarters (21 3/4) percent on charges named in Item 300.
2. By twenty-five and three-quarters (25 3/4) 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 145 - Charges for Obtaining a Weighmaster's Certificate;
3. Item 160 - Charges for Permit Shipments;
4. Item 167 - Failure to Accomplish Delivery;
5. Item 181-1 - Special C.O.D. Service;
6. Item 182 - Collect on Delivery Shipments.

THE END

o Increase, Decision No.

3222e