

Decision No. 91592

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 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 or reissues)
 thereof.)

Case No. 5436
 Petition for Modification
 No. 294
 (Filed February 1, 1980)

OPINION AND ORDER

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 the tariff provisions on Distance Volume Incentive Rates shown in Item 529 of MRT 6-B extended until April 30, 1981.

CTA alleges that the tariff provisions of Item 529 covering Distance Volume Incentive Rates were established on an experimental basis in 1977 to enable a period of shipper and carrier use and exposure to the new concepts prior to evaluating the need for further revision.

The petition was listed on the Commission's Daily Calendar of February 4, 1980. Copies of the petition were mailed to interested parties. There are no protests to the petition.

In the circumstances, the Commission finds that petitioner's proposal is reasonable and justified to the extent hereinafter indicated. The involved tariff provisions will be made permanent as procedures are available to petitioner and other interested parties in the event that they may desire to modify or cancel said provisions in the future. 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 a need to continue the tariff provisions in effect without a lapse in their effectiveness.

IT IS ORDERED that:

1. Minimum Rate Tariff 6-B (Appendix A to Decision No. 82350, as amended) is further amended by incorporating therein, to become effective May 1, 1980, Ninth 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 No. 82350, as amended, are directed and 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 May 1, 1980 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 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.

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 APR 15 1980, at San Francisco, California.

President

James L. Sturgeon

Walter D. Kereke

Robert J. Radtke

Samuel W. Quinn
Commissioners

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

SECTION 4--VEHICLES UNIT RATES (Continued)

ITEM

DISTANCE VOLUME INCENTIVE RATES

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, D, E, F 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.

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.)

3. All applicable rates and charges must be paid by the consignor and shall be applied, subject to Notes 1 through 7, as follows:

- 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, D, E or F as set forth on Item 400, and shall include transportation of commodities described in Rate Group I.
- 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, D, E or F as set forth in Item 400, and shall include transportation of commodities described in Rate Group I.

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.

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.

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.

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.

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.

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.

NOTE 6.--Rates in this item are subject to the following minimum charges:

Monthly Incentive Agreement	\$ 5,000.00
Yearly Incentive Agreement	\$50,000.00

NOTE 7.--When the shipper elects to utilize this item for transportation of a Rate Group D, E or F Commodity, the shipper will be restricted to the transportation of that one commodity for the period of the tender.

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529

Change)
 Reduction) Decision No.

91592

EFFECTIVE MAY 2, 1980

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

Correction