

Decision 93358 JUL 22 1981**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 petroleum and petroleum)	
products in bulk, in tank truck)	Case 5436
equipment statewide as provided in)	
Minimum Rate Tariff 6-B and the revi-)	
sions or reissues thereof.)	
_____)	
_____)	
And Related Matters.)	Case 6008
_____)	

FINAL OPINION

Senate Bill 1886 (SB 1886), which became effective January 1, 1981, added Section 3522 and Section 3523 to the Public Utilities Code (Code). It also repealed Sections 214, 1067, 1068, 3514, 3517.1 and 3518 of the Code, relating to Petroleum Irregular Route and Petroleum Contract authorities.

SB 1886 established the Tank Truck Carrier and Vacuum Truck Carrier as new permit classes of highway carriers in California and repealed the classification of Petroleum Irregular Route Carrier and Petroleum Contract Carrier. It provides that if carriers were performing the operations subject to the new permits in good faith on January 1, 1981, they may file with the Commission prior to July 1, 1981, an application for a permit to operate as a Tank Truck Carrier or Vacuum Truck Carrier.

Highway carriers who did not apply for a permit prior to July 1, 1981 would no longer after that date be authorized to operate either as Tank Truck Carriers or Vacuum Truck Carriers.

Transition Tariff (T.T.) 6-B, as of July 1, 1981, names rates and

rules for the highway transportation of petroleum and petroleum products in bulk, in tank trucks, tank trailers, or tank semitrailers by highway ~~common~~ carriers. ~~only~~. Similarly, T.T. 13, as of July 1, 1981, provides rates and rules governing the highway transportation of property in vacuum or pump-type tank vehicles by highway ~~common carriers, only~~. The rates provided in these transition tariffs are no longer applicable when transported by Tank Truck Carriers or Vacuum Truck Carriers. ✓
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As of this date, the remaining few highway common carriers who have not applied for grandfather permits and who are subject to T. T.s 6-B and 13, have on file with the Commission tariffs of their own. There is therefore no further need for the Commission to continue publication of the transition tariffs for those highway common carriers. ✓
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Findings of Facts

1. Commodities transported in bulk by tank and vacuum tank vehicles are exempt from rate regulation by provisions of T. T.s 2, 6-B, and 13.

2. T. T.s 6-B and 13 have limited application to highway common carriers who publish tariffs of their own and therefore have no need for these transition tariffs.

3. We see no need to maintain these transition tariffs any longer than provided by this order.

Conclusions of Law

1. Those highway carriers who have not filed their applications for permits, prior to July 1, 1981 will not be authorized to operate, after that date, as Tank Truck Carriers and or Vacuum Truck Carriers.

2. The Commission has the authority to cancel at any time the transition tariffs it has previously established.

3. T. T.s 6-B and 13 should be canceled as there is no further need to maintain these tariffs.

4. Because there is an immediate need for the implementation of SB 1886, the effective date of this order should be the date on which it is signed.

5. Since there is no further need to continue with the proceedings in Cases 5436 and 6008, they should be closed.

FINAL ORDER

IT IS ORDERED that:

1. Transition Tariffs 6-B and 13 are canceled by incorporating to become effective July 22, 1981, attached Supplements 20 and 14, respectively.

2. Cases 5436 and 6008 are discontinued.

3. Highway Common Carriers publishing and maintaining rates for the transportation of petroleum and petroleum products in bulk in tank trucks, tank trailers, or tank semitrailers and transportation of property in vacuum or pump-type tank vehicles; and who have been granted permits to operate as Tank Truck Carriers and or Vacuum Truck Carriers, are directed to delete these commodities and services from their respective tariffs.

4. The Executive Director shall serve a copy of this decision on all petroleum contract carriers, petroleum irregular route carriers, or such carriers' authorized tariff publishing agents, performing transportation services subject to Transition Tariffs 6-B and 13.

5. The Executive Director shall serve a copy of Supplement 20 on each

C.5436, 6008 T/FBN/RMP

subscriber to Transition Tariff 6-B.

6. The Executive Director shall serve a copy of Supplement 14 on each subscriber to Transition Tariff 13.

This order is effective today.

Dated JUL 22 1981, at San Francisco, California.

John E. Bryan
President
John D. Goad
James W. Smith
Victor Calvo
James A. Green
Commissioners

CANCELLATION SUPPLEMENT

SUPPLEMENT 20
TO
TRANSITION TARIFF 6-B

NAMING
RATES AND RULES
FOR THE
TRANSPORTATION OF
PETROLEUM AND PETROLEUM PRODUCTS
(AS DESCRIBED HEREIN)
WHEN TRANSPORTED IN BULK IN TANK TRUCKS,
TANK TRAILERS OR TANK SEMITRAILERS
OVER THE PUBLIC HIGHWAYS WITHIN
THE STATE OF CALIFORNIA

BY
HIGHWAY COMMON CARRIERS
PETROLEUM CONTRACT CARRIERS
AND
PETROLEUM IRREGULAR ROUTE CARRIERS

CANCELLATION NOTICE

Transition Tariff 6-B is canceled.

Decision No.

93358

EFFECTIVE

7/22/81

Issued by the
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
State Building, Civic Center
San Francisco, California 94102

CANCELLATION SUPPLEMENT

SUPPLEMENT 14
TO
TRANSITION TARIFF 13
NAMING
RATES AND RULES
FOR THE
TRANSPORTATION BY VACUUM-TYPE TANK
VEHICLES AND BY PUMP-TYPE TANK
VEHICLES OF PROPERTY OVER THE PUBLIC
HIGHWAYS WITHIN THE STATE OF
CALIFORNIA

BY
HIGHWAY COMMON CARRIERS
HIGHWAY CONTRACT CARRIERS
PETROLEUM IRREGULAR ROUTE CARRIERS
AND
PETROLEUM CONTRACT CARRIERS

CANCELLATION NOTICE

Transition Tariff 13 is canceled.

Decision No.

93358

EFFECTIVE

7/22/81