

GENERAL ORDER NO. 117-A
(Supersedes General Order No. 117)

**Public Utilities Commission of the
State of California**

**RULES GOVERNING THE CONSTRUCTION AND FILING OF TARIFFS ISSUED
BY VESSEL CARRIERS, PIPELINE CORPORATIONS, TOLL BRIDGE CORPO-
RATIONS, WHARFINGERS, AND COMMON CARRIERS OTHER THAN RAIL-
ROADS AND OTHER THAN THOSE GOVERNED BY GENERAL ORDER NO. 79
OR NO. 80-A.**

Adopted July 3, 1979, Effective August 2, 1979
Decision No. 90534, Case No. 7555

Rule A—EFFECTIVE DATE AND APPLICATION

- A.1 This General Order shall become effective on August 2, 1979.
- A.2 Original tariffs filed on or after the effective date of this General Order shall be constructed and filed in conformity with the rules herein established.
- A.3 Original tariffs filed prior to the effective date of this General Order need not be reissued by reason of the issuance of this General Order. However, supplements, amendments or revised pages filed on or after the effective date of this General Order shall be constructed and filed in conformity with the rules herein established.

Rule 1—DEFINITIONS

- 1.1 "Tariff" means an original publication, a supplement, amendment or revised page thereto, or a reissue thereof.
- 1.2 "Company" as used in this General Order means any vessel carrier, pipeline corporation, toll bridge corporation or wharfinger, and any common carrier other than a railroad corporation and other than a common carrier governed by General Order No. 79 or No. 80-A.

**Rule 2—REFERENCE TO PUBLIC UTILITIES CODE PROVISIONS
AND TO RATE CHANGE PROCEDURES**

- 2.1 The requirements of this General Order are in addition to and supplementary to the requirements concerning the preparation, construction and filing of rate schedules and tariffs set forth in the Public Utilities Code. For convenience, references to some of the principal provisions are cited below:

<i>Public Utilities Code</i>	<i>Subject</i>
Section 454	Rate increases.
Section 455	Rate suspension and investigation.
Section 460	"Long- and short-haul" and "aggregate of intermediate" transportation rates.
Sections 486 to 490	Form, content, filing and posting of tariffs.
Section 491	Minimum notice of change; symbols.
Section 492	Joint-rate tariffs.
Section 493	Tariffs must be filed before commencing service.

Section 494 } Tariffs must be strictly observed; prohibits rebates or
Section 532 } remissions.
Sections 523 } Free or reduced rates.
to 531

2.2 The following rules and general orders of the Commission are applicable to the filing of applications for rate and tariff changes with this Commission:

- Rules of Procedure Rules of practice and procedure applicable to formal proceedings before the Commission.
- General Order No. 109 Regulations governing the filing and handling of requests for tariff changes under the Special Tariff Docket.
- General Order No. 113-A Rules governing petitions for suspension and investigation of tariffs and schedules.

Rule 3—FILING

3.1 *Filing*—Tariffs shall be filed with the Commission in triplicate, and shall be delivered or addressed to:

Public Utilities Commission of the
State of California
State Building
350 McAllister Street
San Francisco, California 94102

If a receipt is desired, a letter of transmittal identifying the tariff documents enclosed, shall be sent in duplicate, one copy of which will be stamped and returned as a receipt.

Rule 4—AUTHORITY AND RESPONSIBILITY

4.1 *Authority*—Tariffs filed pursuant to authority granted by the Commission shall refer to such authority in connection with the item or tariff supplement which incorporates the change or amendment resulting from such authority.

4.2 *Responsibility*—It shall be the responsibility of the company to maintain tariffs at all times in a current condition as to subject matter.

Rule 5—FORM AND CONTENT

5.1 *Form*—Tariffs shall be filed in book (pamphlet) form or in loose-leaf form. Tariffs shall be plainly printed, mimeographed, type-written or reproduced by other durable process on paper of good quality and shall be clear and legible.

5.2 *Size*—Tariffs shall be 8 by 11 inches or 8½ by 11 inches in size.

5.3 *Cal.P.U.C. Number*—Each company shall file tariffs under its own consecutive numbers beginning with Cal.P.U.C. No. 1. An agent shall file under his own series of Cal.P.U.C. numbers beginning with Cal.P.U.C. No. 1. Separate tariffs shall bear separate Cal.P.U.C. numbers. The assigned Cal.P.U.C. number in the se-

ries of the company, bureau or agent initially issuing the tariff shall be retained throughout the life of the tariff.

5.4 Title Page—The title page of each tariff shall show:

- (a) The Cal.P.U.C. number of the tariff in either the upper left-hand corner or upper right-hand corner, and immediately thereunder the Cal.P.U.C. number of any tariffs canceled thereby.
- (b) The name and business office street address of the issuing company, bureau or agent.
- (c) The date on which the tariff will become effective, in the lower right-hand corner.

5.5 Loose-leaf Tariffs—Each page of a loose-leaf tariff shall show:

- (a) The Cal.P.U.C. number of the tariff in either the upper left-hand corner or the upper right-hand corner.
- (b) The name and business office street address of the issuing company, bureau or agent.
- (c) The page number, e.g., "Original Page 1," "Original Page 2," etc.
- (d) The date on which the page will become effective (or appropriate reference thereto), in the lower right-hand corner.

5.6 Contents of Tariff—Every tariff which is an original publication shall contain:

- (a) A Table of Contents, unless the clear arrangement of the tariff makes a Table of Contents unnecessary.
- (b) The name of each participating company and the street address of the principal business office of each company.
- (c) Reference to other publications, if any, which govern the application of the tariff.
- (d) An explicit statement of all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected or enforced, together with all rules, contracts, privileges and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service.
- (e) A Check Sheet or Correction Number Sheet if the tariff is a loose-leaf tariff and if correction numbers are to be used.

5.7 Amendments

- (a) Book (pamphlet) tariffs shall be amended by filing consecutively numbered supplements beginning with Supplement No. 1 constructed generally in the same manner and arranged in the same order as the tariff being amended, and referring to the page, item or index of the tariff or previous supplement which it amends.
- (b) Loose-leaf tariffs shall be amended by filing new pages on which changes are made as consecutively numbered revisions of the previous pages, e.g., "First Revised Page 10 Cancels Original Page 10." A loose-leaf tariff may be canceled by supplement.

- (c) Suitable symbols clearly designated in the tariff shall be used to indicate increases, decreases and other changes in or additions to the tariff.

Rule 6—TRANSFERS AND NAME CHANGES

- 6.1 *Transfers*—When operative rights are transferred from the operating control of one company to that of another, the tariff or tariffs shall be amended (in accordance with the order of the Commission when Commission authority is required) to show that the successor company has adopted and established as its own each tariff of the predecessor company; and the tariff amendments shall be filed to become effective concurrently with the consummation of the transfer. If the predecessor company participates in a tariff issued by an agent, the tariff agent shall be notified in writing, and the tariff shall be so amended by the agent; concurrently the agent also shall cancel from the tariff the name of the predecessor company.
- 6.2 *Change of Name*—When a company changes its legal or fictitious name, without transfer of control from one company to another, it shall immediately amend tariffs issued by it to show the new name of the company. The company shall also immediately inform in writing all agents or other companies issuing tariffs in which it participates of the change in name, and such agents or companies shall promptly amend such tariffs to show the change in name. The tariff amendments shall show the new name of the company and its former name; for example, "ABC Co. (formerly XYZ Co.)," and shall show that they are filed under authority of this rule.

Rule 7—POWERS OF ATTORNEY AND CONCURRENCES

7.1 *Issuance*

- (a) Each company shall issue a power of attorney to each agent publishing an agency tariff in which the company participates.
- (b) Each company shall issue a concurrence to each other company which publishes a tariff in which the former company participates.

7.2 *Filing*—Powers of attorney, concurrences, and revocations of powers of attorney and concurrences shall not be filed with the Commission.

7.3 *Affidavit With Original Tariff*—If the tariff is an original tariff issued by a tariff agent, there shall be filed with the tariff an affidavit in substantially the form specified in Rule 7.7.

7.4 *Affidavit When Companies Changed*—If the tariff is a supplement, amendment or revised page which has the effect of changing the participating companies in a tariff issued by a tariff agent, there shall be enclosed in the same package with the tariff an affidavit in substantially the form specified in Rule 7.7.

- 7.5 *Rejection of Tariffs*—Tariffs referred to in Rules 7.3 and 7.4 will be subject to rejection if tendered for filing without the affidavit required by said rules.
- 7.6 *Revocation by Company*—Powers of attorney may be revoked by the company by furnishing to the tariff agent a revocation notice specifying the effective date of such revocation. The notice shall be sent by registered mail at least 60 days before the effective date of revocation.
- 7.7 *Affidavit of Tariff Agent*—The affidavit referred to in Rule 7.3 and Rule 7.4 shall be on paper 8 by 11 or 8½ by 11 inches in size, and shall be in form substantially as follows:

AFFIDAVIT OF TARIFF AGENT

(Name of Tariff Agent)

(Post Office Address)

To Public Utilities Commission of the
State of California
State Building
350 McAllister Street
San Francisco, California 94102

This is to certify that the above-named agent has in his possession written powers of attorney by virtue of which each company named as a participant in the agency tariff which is tendered herewith for filing, has appointed said agent its true and lawful attorney and agent and has given and granted to said attorney and agent full power and authority in its name, place and stead to publish and file said tariff and subsequent supplements and amendments thereto, and to do and perform all and every act in connection therewith as fully to all intents and purposes as if the same were done and performed by each said company.

Description of Tariff

Cal.P.U.C. Number

I hereby certify under penalty of perjury that the foregoing is true and correct.

Signature _____

Title _____

Dated at _____ this _____

day of _____, 19____

Rule 8—REVOCATION OF AGENCY BY TARIFF AGENT

8.1 *Procedure*—A company's participation in an agency tariff may be canceled by the tariff agent issuing such tariff without the request or consent of the company, provided the procedures specified in Rule 8 are followed precisely.

8.2 *Prior Notice*—Tariff publishing agents proposing to terminate their agency relationship with any company and to cancel the

company's participation in any agency tariff, shall give notice in writing to the company and to the Commission not less than 90 days before the proposed date of termination and cancellation. The Cancellation Notice shall be in the form provided in Rule 8.5.

8.3 *Tariff Filing*—Unless the Cancellation Notice is rescinded as provided in Rule 8.4, the cancellation of the company's participation in the agency tariff shall be made effective on the precise effective date specified in the Cancellation Notice, by an appropriate tariff amendment filed with the Commission not less than 30 days prior to said effective date.

8.4 *Rescission of Notice*—If the tariff publishing agent desires to rescind the Cancellation Notice, the agent shall give notice in writing to the company and to the Commission not less than 30 days prior to the scheduled date of termination and cancellation of the agency relationship. The Rescission of Cancellation Notice shall be in the form provided in Rule 8.6.

8.5 *Form of Cancellation Notice*—The Cancellation Notice specified in Rule 8.2 shall be on paper 8 by 11 or 8½ by 11 inches in size and shall be in form substantially as follows:

CANCELLATION NOTICE

To _____
(Name of Company)

Date of Notice _____

You are hereby notified that the agency created by the Power of Attorney issued by you to the undersigned is terminated on the effective date shown below.

Your participation in tariff(s) issued by the undersigned, as identified below, will be canceled on the effective date shown.

You are cautioned that cancellation of your participation in such tariffs will leave you without rates on file with the California Public Utilities Commission. It is your responsibility to arrange for the filing with the California Public Utilities Commission of required tariff schedules.

Name and Cal.P.U.C. Numbers of tariffs:

Effective Date of Termination of Agency and
Cancellation of Rates _____ *

* The agent shall not insert a date less than 90 days after the date the Notice is received by the Commission.

By _____
(Tariff Agent)

Instructions: This Notice shall be furnished by the agent to the company by registered mail at least 90 days before the effective date of termination and cancellation. A true copy of this Notice shall be filed with the Public Utilities Commission of the State of California, State Building, 350 McAllister Street, San Francisco, California 94102, at least 90 days before said effective date.

8.6 *Form of Rescission of Cancellation Notice*—The Rescission of Cancellation Notice specified in Rule 8.4 shall be on paper 8 by 11 inches or 8½ by 11 inches in size and shall be in form substantially as follows:

RESCISSION OR CANCELLATION NOTICE

To _____
(Company) (Date)

The Cancellation Notice issued to you by the undersigned on _____ to terminate the agency created by the Power of Attorney issued by you to the undersigned, is hereby rescinded.

Your participation in tariff(s) issued by the undersigned, as identified below, will not be canceled.

Name and Cal.P.U.C. Numbers of Tariffs:

By _____
(Tariff Agent)

Instructions: This Rescission shall be furnished to the company by the Tariff Agent by registered mail at least 30 days before the effective date of the scheduled termination and cancellation stated in the "Cancellation Notice" which it rescinds. A true copy of this Rescission shall be filed with the Public Utilities Commission of the State of California, State Building, 350 McAllister Street, San Francisco, California 94102, at least 30 days before said effective date.

Issued by order of the Commission at San Francisco, this 3rd day of July, 1979.

**PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

By Joseph E. Bodavitz,
Executive Director

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