

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

**RULES GOVERNING THE FILING OF RATE QUOTATION STATEMENTS FOR
TRANSPORTATION BY COMMON CARRIERS FOR THE STATE, COUNTY OR
MUNICIPAL GOVERNMENTS PURSUANT TO SECTION 530 OF THE PUBLIC
UTILITIES CODE**

Adopted October 3, 1984, Effective October 3, 1984.
Resolution TS-664

RULE 1—DEFINITIONS

- 1.1 "Statement" means a rate quotation statement issued by or on behalf of a common carrier for the transportation of property for the State, or for county or municipal governments at reduced rates.
- 1.2 "Common Carrier" means any carrier of property named in Section 211 of the Public Utilities Code.

RULE 2—FILING OF STATEMENTS

- 2.1 All common carriers subject to Section 530 of the Public Utilities Code shall file with the Commission all statements for transportation of property to be performed for the State, or for county or municipal governments at reduced rates.
- 2.2 Statements shall be filed with the Commission in triplicate, in one package, under one letter of transmittal, and shall be delivered or addressed to:
Public Utilities Commission of the State of California
State Building
Civic Center
San Francisco, CA 94102
If a receipt is desired, the letter of transmittal shall be sent in duplicate, one copy of which will be stamped "received" and returned as a receipt.
- 2.3 Statements shall be filed on not less than five (5) days' notice to the Commission and to the public.

RULE 3—FORM AND CONTENT

- 3.1 Each statement shall contain an effective date which date shall not be less than five (5) days after the date received by this Commission in its San Francisco Office, and an expiration date. No expiration date shall be longer than two years after the effective date of the statement.
- 3.2 Statements naming rates for transportation of commodities for which minimum rates, transition rates, or other rate regulation programs have been established shall contain rates no lower than:

- (1) The minimum or transition rates established by this Commission for highway permit carriers or highway common carriers; or
 - (2) Rates specifically authorized to be established by highway permit carriers or common carriers which are lower than the established minimum or transition rates; or
 - (3) Rates which lawfully may be assessed and charged by any other common carrier or by highway permit carriers subject to rate regulation programs established by the Commission.
- 3.3 Each Statement shall contain the tariff or contract authority for the stated rates.
- 3.4 Where minimum rates, transition rates, or other rate regulation programs have not been established for highway permit or common carriers any level of rates may be proposed. Each of such statements filed shall contain specific reference to the Commission decision and/or tariff authority which provides that minimum rates, transition rates, or other rate regulation programs have not been established for the transportation involved.

RULE 4—RATES BELOW AUTHORIZED LEVELS

- 4.1 If a common carrier desires to issue a statement naming rates below the level of rates described in Rule 3.2 for transportation subject to minimum rates, a formal application must be filed with the Commission for authority in accordance with the Commission's Rules of Practice and Procedure (Decision No. 72329, as amended, in Cases Nos. 4924 and 7234), as indicated below:
- (a) Article 2—Rules 2, 3 and 7.
 - (b) Not subject to other provisions of Article 2 nor provisions of Article 4 or Article 6.
- 4.2 Applications and protests thereto also shall conform to the requirements of Rule 5 hereof.
- 4.3 If a common carrier desires to issue a statement naming rates below the level of rates described in Rule 3.2 for transportation subject to transition rates or other rate regulation programs established by this Commission, the rates shall be justified using the procedures specified in the general order which applies to such transportation.

RULE 5—FILING OF FORMAL APPLICATIONS

- 5.1 Verification or Certification and Signatures. The original of each application shall be verified under oath or certified under penalty of perjury, and shall be signed by the applicant, a responsible officer thereof, or by an agent to whom power of attorney has been given. Applications concerning joint rates shall be signed by or on behalf of all carriers participating therein.
- 5.2 Contents. Applications shall state clearly and concisely the authority or relief sought and:

- (a) The legal name, mailing address and telephone number of the applicant. If the carriers are numerous, and constitute all the participants of the specified tariff, they may be identified by reference to the tariff.
 - (b) The present rates, charges or rules and those proposed to be established.
 - (c) Clearly, specifically, and in detail, the justification in support of each authority sought (including cost data where applicable).
 - (d) The position of interested parties regarding the application insofar as known to applicant.
- 5.3 Copy of Application Upon Request. Applicant shall promptly furnish a copy of the application to each interested party making a written request therefor to applicant.
- 5.4 Processing and Notice. Applications shall be listed in the Daily Transportation Calendar. The listing shall identify the applicant and the type of application and briefly state the authority sought and the date of filing. Action on an application shall be withheld for ten days subsequent to the first date of listing in said calendar.
- 5.5 Protests. Anyone interested may file a protest which shall:
- (a) State the protestant's full name, mailing address and telephone number.
 - (b) State the facts constituting the grounds for protest and show how protestant is affected and why the proposed reduced rate may not be justified.
 - (c) State the names of each applicant or its attorney or agent upon whom a copy of the protest is being served pursuant to Rule 5.6.
 - (d) Be verified under oath or certified under penalty of perjury and be signed by protestant or its attorney.
 - (e) Be addressed to the California Public Utilities Commission, State Building, San Francisco, CA 94102.
 - (f) Be forwarded so as to reach the Commission not later than the tenth day following the listing of the application in the Daily Transportation Calendar.
- 5.6 Service. One copy of each protest shall simultaneously be served upon each applicant or its attorney or agent. Service shall be made personally or by deposit in the United States mail of a sealed envelope with first class postage prepaid, containing a true copy of the documents to be served and addressed to the party to be served at the last known address of such party.
- 5.7 Copy of Protest Upon Request. Protestant shall promptly furnish a copy of the protest to each party making a written request therefor to protestants.

RULE 6—AUTHORIZATIONS

- 6.1 Authorization Without Hearing. The Commission may grant the application without hearing, if it deems that the justification furnished in the application shows that the proposed reduced rate will be reasonable, and provided no protest has been filed.
- 6.2 Temporary Authority Pending Hearing. Should a protest be filed, the Commission may allow the proposed rates to go into effect, pending a decision after hearing. If, after hearing, the Commission concludes that the proposed rates are not reasonable, the proponents thereof will be required to adjust charges on shipments moving prior to the effective date of the Commission's order after hearing to the level of the charges applicable under the lowest rate permissible under Section 3.2.

The effective date of this order shall be October 3, 1984.

Approved and dated at San Francisco, California, on October 3, 1984.

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

By **JOSEPH E. BODOVITZ**
Executive Director

Photoelectronic composition by
CALIFORNIA OFFICE OF STATE PRINTING