

GENERAL ORDER No. 109

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

**IN THE MATTER OF REGULATIONS GOVERNING THE FILING AND
HANDLING OF REQUESTS FOR TARIFF CHANGES UNDER THE SPECIAL
TARIFF DOCKET.**

**(Applicable Only to Common Carriers as Defined in Division 1 of the Public
Utilities Code, Air Transportation Companies, Pipeline Corporations,
Warehousemen, and Wharfingers.)**

Adopted April 19, 1960. Effective July 1, 1960.

(Decision No. 59992, Case No. 6464)

Amended October 22, 1980. Effective October 22, 1980: Resolution No. TS-416

IN GENERAL

Rule 1. These regulations are designed to permit economical and prompt processing of requests for tariff changes, under the Special Tariff Docket, by public utility common carriers, airlines, pipeline corporations, warehousemen, and wharfingers.

Rule 2. Such requests may not be processed under the Special Tariff Docket unless they are:

- (a) of narrow scope as to commodities, geographical points or otherwise;
- (b) not adverse to the interest of other parties;
- (c) not of general interest; and
- (d) noncontroversial.

Rule 3. Other requests shall be prepared and filed in conformity with the Commission's Rules of Practice and Procedure and will be dismissed without prejudice if filed under the Special Tariff Docket.

Rule 4. Special Tariff Docket requests and orders are open to public inspection.

Rule 5. The provisions of this general order supersede provisions of General Orders Nos. 61, 79, 80, 117 and 119 relating to the filing of Special Tariff Docket requests.

FORM

Rule 6. Requests shall be on paper approximately 8½ inches by 11 inches in size, and the original and three copies shall be filed with the Commission.

Rule 7. One request shall be filed for each proposed tariff adjustment. It is not required that separate requests be made for each kind of relief sought. However, requests seeking more than one kind of relief shall contain the required justification for each type of relief sought.

Rule 8. The original of each request shall be verified under oath or certified under penalty of perjury, and shall be signed by the owner or responsible officer of the company, or by an agent to whom power

of attorney has been given.

Rule 9. Requests concerning joint rates or fares shall be signed by or on behalf of all carriers participating therein.

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Rule 10. The request shall state the correct name and address of the carrier or utility seeking the authority. If the carriers or utilities are numerous, and constitute all of the participants in a specified tariff, it will be sufficient to identify them by reference to the tariff.

Rule 11. The request shall state clearly and concisely the authorization or relief sought; shall cite the statutory provision or other requirement under which authorization or relief is sought; and, if rate or rule changes are proposed, shall show the present rates, fares, charges, or rules which are proposed to be changed, and the rates, fares, charges or rules proposed to be established. This information may be contained in exhibits attached to the request.

Rule 12. The request shall state clearly, specifically and in detail, the justification in support of each authority sought.

Rule 13. Notification of other carriers, shippers or other parties is not required. However, notification given to interested parties may be an additional factor in justification of the sought authority, provided the request contains a list of the parties notified and includes a statement concerning their views. (See Rule 4.3 of General Order No. 105-A for exception to this rule.)

CONTENTS—PARTICULAR SITUATIONS

Rule 14. In order to insure sufficient time for tariff examination prior to the effective date, the Commission generally will not authorize tariff amendments on less than five days' notice. Shorter notice will be authorized only when the request shows clearly that an emergency exists.

Rule 15. If a reduced rate filed in error is corrected before it becomes effective, no increase is involved. Requests seeking authority to make such corrections on less-than-statutory notice need not show justification, but shall describe the inadvertence and identify the published and intended rates.

Rule 16. Requests for authority to discontinue operations will not be considered on the Special Tariff Docket unless it be shown that (a) there are no present patrons, and (b) no certificate or prescriptive operative right is involved.

PROCESSING

Rule 17. Special Tariff Docket requests will be considered as expeditiously as practicable and will be granted in whole or in part, subject to such conditions as the Commission may specify, or denied or dismissed, upon basis of the material contained in the request and in the Commission's official tariff files.

Rule 18. Amendments to requests will be received only if filed in sufficient time for consideration prior to Commission action upon the request.

Rule 19. When a request has been denied and it is desired to offer additional justification as basis for reconsideration, the matter shall be prepared and submitted as a new request.

Rule 20. Denials or dismissals on the Special Tariff Docket are without prejudice to the consideration of any application which later may be filed in accordance with the Commission's Rules of Practice and Procedure.

Rule 21. The item of tariff or supplement issued pursuant to a Special Tariff Docket order shall bear reference to such order in substantially the following form:

"Authorized by Cal. P.U.C. Order No. ____"

FORM

Rule 22. The following skeleton form of request is illustrative as to general form only. The content of particular requests will vary depending upon the subject matter.

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
SPECIAL TARIFF DOCKET REQUEST**

The request of (exact legal name, and the address, of each applicant) respectfully shows:

1. An order is requested (here state clearly and concisely the specific authorization sought).
2. This application is based upon the following facts and circumstances: (here, and in succeeding numbered paragraphs or attached exhibits, set forth the specific facts required by the applicable rules, together with additional facts and circumstances deemed to be material).

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

Signature: _____

Title: _____

Dated at _____, California, this ____ day of _____, 19____.

This General Order amended by Resolution TS-416 dated October 22, 1980 at San Francisco, California.

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

By **JOSEPH E. BODOVITZ**
Executive Director

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