

Chapter PSC 18

TARIFF CIRCULAR NO. 2

CONSTRUCTION AND FILING OF FREIGHT TARIFFS
OF CONTRACT CARRIERS BY MOTOR VEHICLE

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PSC 18.01 Applicability of chapter PSC 18. (1) All authorities issued to transport freight by contract motor carriers require the filing of rates and/or charges in proper tariff form and no service shall be performed until rates are filed except where certain exemptions exist. (See: Wis. Adm. Code section PSC 16.31). Failure to file and maintain rates and/or charges in proper tariff form within 45 days from the effective date of the authority, shall be deemed sufficient grounds for alteration, amendment, suspension, or revocation of the authority under the provisions of section 194.46, Wis. Stats.

(2) All tariffs filed on and after the effective date hereof, unless otherwise authorized by special permission of the commission, must conform with the rules and regulations set forth in this chapter.

(3) The commission may reject any tariff or supplement thereto which does not comply with these regulations.

(4) The commission may, for reasons deemed sufficient, direct the reissue of any tariff or power of attorney at any time.

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

PSC 18.02 Definitions. Terms used in this chapter are defined as follows:

(1) **CONTRACT MOTOR CARRIER.** "Contract motor carrier" means any person who holds a license from the Public Service Commission of Wisconsin to transport property by motor vehicle upon the public highways.

(2) **AGENCY STATION.** "Agency station" means any station where a contract motor carrier employs an agent, and provides the necessary facilities for the handling of property.

(3) **TARIFF; SUPPLEMENT.** "Tariff" means a publication containing the rates, charges, classification ratings, commodity lists, rules, and regulations (or any of them) published by or for a contract motor carrier or carriers. "Supplement" means a publication containing additions to and/or changes in a tariff.

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(4) **CLASSIFICATION.** "Classification" means a publication containing a list of articles or commodities and the class ratings assigned thereto for the purpose of applying class rates, together with the governing rules and regulations. The classification referred to herein is the governing classification at the time the shipment is transported and is known as the "National Motor Freight Classification" issued by National Motor Freight Traffic Association, Inc., Agent.

(5) **CLASS RATE; TARIFFS.** "Class rate" means a rate which applies on any one or more of various articles assigned to the class rating in the classification or in exceptions thereto, or in the class tariff. "Class tariffs" are those which contain class rates.

(6) **COMMODITY RATE; TARIFFS.** "Commodity rate" means a rate published to apply on a commodity or commodities which are specifically named or described in the tariff publishing such rate, or in a tariff containing a list of commodities when reference is made to such tariff. "Commodity tariffs" are those that contain commodity rates.

(7) **ASSIGNOR.** "Assignor" means an individual or corporation from whom a license or part thereof is transferred.

(8) **ASSIGNEE.** "Assignee" means an individual or corporation to whom a license or part thereof is transferred.

(9) **LEASE.** "Lease" means a contract by which a license or part thereof is conveyed to someone else for a specified time and at a given rate of remuneration.

(10) **LESSOR.** "Lessor" or "grantor" means an individual or corporation granting a lease of license or part thereof.

(11) **LESSEE.** "Lessee" or "grantee" means an individual or corporation to whom a lease of a license or part thereof is granted.

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

PSC 18.03 Changes in tariff schedules to be approved. (1) This section is applicable only in instances where the contract motor carrier for good cause desires to file a tariff, supplement thereto, or reissued loose-leaf tariff pages on less than 15 days' notice as required in Wis. Adm. Code section PSC 18.08 (1).

(2) The application for short notice tariff publication approval shall contain:

(a) A statement of justification to depart from the provisions of Wis. Adm. Code section PSC 18.08 (1).

(b) Two draft copies of the tariff, supplement thereto, or reissued loose-leaf tariff pages leaving the "Issued" and "Effective" dates open.

(3) Action of the commission will be indicated by issuance of either (a) an approval of the application in its entirety, (b) approval in part, or (c) a non-approval.

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

PSC 18.04 Form and size of tariffs and supplements. (1) **SIZE; PRINTING; PAPER.** All tariffs and supplements thereto shall be in book, pamphlet, or loose-leaf form of size not less than 8 by 11 inches, nor greater than 8½ by 11 inches, unless otherwise specifically authorized, and shall be plainly printed, mimeographed, typewritten, or reproduced by other similar process on paper of durable quality.

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(2) **MARGIN.** A margin of not less than $\frac{5}{8}$ inch, without any printing thereon, must be allowed at the binding edge of each tariff or supplements thereto.

(3) **RULED TABLES.** When rates, numerals, or letters are shown in tables, the tables shall be ruled if necessary for clarity.

(4) **ALTERATIONS.** No alteration in writing or erasure shall be made in any tariff or supplement.

(5) **LOOSE-LEAF DESIGNATION.** (a) Pages of loose-leaf tariffs must be consecutively numbered as "original" pages in the upper right-hand corner. Each page must show in the upper marginal space the name of the carrier; the name, title, and address of the issuing officer; the tariff number; and the issued and effective dates.

(b) Revised pages shall be designated as "(1st) Revised Page No. ____", and provide proper cancellation of the prior page.

(c) Additional pages to provide for expansion of matter shall be given the same page number with a letter suffix, e.g. "Original Page No. 4A".

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

PSC 18.05 Title page of tariff or supplement. (See Appendices A and B to Wis. Adm. Code chapter PSC 18 for illustrative title pages.) The title page of each tariff or supplement shall show in the order named, top to bottom:

(1) **NAME OF CARRIER OR ISSUING AGENT.** If the carrier's name is used, it shall be shown in the identical manner as set forth in its contract motor carrier license issued by the public service commission of Wisconsin.

(2) **SUPPLEMENT NUMBER.** Supplements to a tariff shall be numbered consecutively beginning with number "1". Cancellation of supplements, if any, shall be indicated directly below; and a complete list of all supplements in effect shall be shown.

(3) **TARIFF NUMBER.** Tariffs of each carrier or agent shall be numbered consecutively. Cancellation of the prior issue or issues shall be shown directly below.

(4) **TERRITORY.** The scope of the application of the tariff or supplement shall be stated briefly. (See Appendix A or B to this chapter.)

(5) **GOVERNING TARIFFS.** All tariffs which govern the application of a tariff shall be listed on the title page or reference made thereon to the item of the tariff naming such publications. (See Wis. Adm. Code section PSC 18.06 (6).) This includes Classifications, Exception to the Classification, Scope of Operations, Rules and Regulations, Territorial Directories, etc.

(6) **ISSUED AND EFFECTIVE DATES.** The issued date shall be shown on the lower left-hand side, and the effective date on the lower right-hand side of the page, except as otherwise shown in Wis. Adm. Code section PSC 18.04 (5) (a).

(7) **APPROVAL NUMBER.** Public Service Commission of Wisconsin Approval Number or Docket Number, date thereof, and authorized

filing notice shall be shown. Applicable only in connection with section PSC 18.03.

(8) **ISSUING OFFICER OR AGENT.** The name, title, and address of the person or agent who issues the tariff or supplement shall be shown at the bottom of the title page, except as otherwise shown in Wis. Adm. Code section PSC 18.04 (5) (a).

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

PSC 18.06 Contents of tariff. Tariffs shall contain in the order named:

(1) **TABLE OF CONTENTS.** A table of contents, arranged in alphabetical order, shall show the page and item numbers where each subject may be found. In instances where a tariff contains so small a volume of material that the title page and its interior arrangement readily indicate its contents, the table of contents may be omitted.

(2) **PARTICIPATING CARRIERS.** A list of carriers participating in joint or agency tariffs shall show each carriers name, license number (property carriers only), location of its general office, and the number of its power of attorney which is on file with the public service commission of Wisconsin.

(3) **INDEX OF COMMODITIES.** All articles or commodities, listed separately or by generic heading, for which rates, charges, or exception ratings are provided shall appear in a complete index, alphabetically arranged, showing reference to the item or items where a particular article is shown. No index need be shown in tariffs of 5 pages or less.

(4) **INDEX OF POINTS OF ORIGIN AND DESTINATION.** All points to or from which rates, or charges are applicable shall be shown in an alphabetical index. In instances where a tariff employs index or group numbers for the determination of rates, the applicable index or group number shall be shown opposite each point. When a tariff names rates for the account of more than one carrier, the carrier shall be shown opposite each point where service is maintained. In instances where a tariff contains so small a volume of material that the title page and its interior arrangement readily indicate its contents, an alphabetical index of points of origin and destination may be omitted.

(5) **EXPLANATION OF SYMBOLS, REFERENCES, AND ABBREVIATIONS.** All symbols, reference marks, and abbreviations appearing in the tariff shall be defined either on the page on which they are used, or reference must be made to the location where their explanation is set forth. Changes in rates, rules, or arrangements shall be symbolized to indicate the type of change which has been made. The following uniform symbols shall be used only for the purpose indicated:

- ◆ or (A) signifies increases.
- ◓ or (R) signifies reductions.
- ▲ or (C) signifies changes which result in neither increases nor reductions in rates or charges.
- or (N) signifies new material.

(6) **GOVERNING TARIFFS.** Whenever a tariff requires the use of a separately published classification, exceptions to the classification, a tariff of rules, or any other type of publication for the determination

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of the rates published therein, such tariff shall show in an appropriate item, reference to the name of the carrier or publishing agent, and the tariff number of said separately published tariffs. A rate tariff may not refer to another rate tariff for classification ratings, exceptions to the classification, rules, other governing provisions.

(7) **RULES GOVERNING THE TARIFF.** (a) *Numbering and wording.* All rules which affect the rates or charges named in the tariff shall be designated by number, and worded in a clear and concise manner.

(b) *Lowest rate applicable.* All class and commodity rate tariffs shall include a rule providing that the through rate which produces the lowest charge, either class, exception to the classification, or commodity rate, shall be the lawful rate applicable on Wisconsin intrastate traffic, except that when the rate and/or charge is less than the minimum rate prescribed by the commission, the applicable minimum rate shall apply.

(8) **STATEMENT OF RATES.** (a) *All rates; explicitly stated.* All rates shall be clearly and explicitly stated in cents, or in dollars and cents per hundred pounds, per net ton (2,000 pounds), or gross ton (2,240 pounds), per stated truckload, or other definite measure.

(b) *Commodity description, specific.* In the establishment of a commodity rate, the description of the commodity must be specific, using as far as possible uniform commodity descriptions as stated in the governing Motor Freight Classification.

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

PSC 18.07 Supplements to bound tariffs; reissued pages to loose-leaf tariffs. (1) **CHANGES BY SUPPLEMENT OR REISSUED PAGES.** Any change, deletion, or addition to a bound tariff must be made by the reissuance of the tariff, or by the issuance of a supplement. Each supplement to a bound tariff must be consecutively numbered starting with number "1". Changes in loose-leaf tariffs shall be made by issuance of a revised page or pages showing the change. Such revised pages shall be numbered as provided in Wis. Adm. Code section PSC 18.04 (5) (b). Supplements shall not be issued to loose-leaf tariffs except for the purposes authorized by Wis. Adm. Code sections PSC 18.09 and PSC 18.10, unless otherwise specifically authorized.

(2) **TITLE PAGE, FORM AND ARRANGEMENT.** The title page of each supplement shall follow the same form and arrangement as the title page of the tariff. (See Wis. Adm. Code section PSC 18.05 and Appendix B to chapter PSC 18).

(3) **SIZE; ARRANGEMENT.** The material content of each supplement or loose-leaf page shall follow the same size, order, and arrangement as set forth in the tariff which the supplement amends.

(4) **NUMBER OF EFFECTIVE SUPPLEMENTS.** Not more than 4 supplements to any one tariff may be in effect at any time, unless otherwise specifically authorized.

(5) **CHANGES; SYMBOLS.** All tariff changes which result in increases, reductions, or change in wording shall be symbolized, using those symbols provided in Wis. Adm. Code section PSC 18.06 (5).

(6) REISSUED ITEMS REPRODUCED IN FULL. When a change is made by supplement or by loose-leaf pages affecting an item, rule, or rate schedule, such item, rule, or rate schedule shall be reissued in its entirety as amended.

(7) CANCELLATIONS; REISSUANCE. (a) *Numbered items.* Where rates and rules are published by item number, the reissue of such rates and rules by supplement to a bound tariff shall be identified as the same item number plus a letter suffix—for example: Item 1-A cancels Item 1; Item 1-B cancels Item 1-A, etc. Items brought forward without change from one supplement to another supplement must be designated as “reissued” and must show reference to the supplement from which it is reissued.

(b) *Unnumbered tariff matter.* Where tariff matter is not published in a numbered unit, the reissuance by supplement to a bound tariff shall reproduce all said material in its entirety, and cancellation reference shall be made to the page of the tariff or prior supplement from which the reissued material originated.

(8) REPRODUCTION OF CANCELLED MATTER. When any rate or provision contained in an item is amended, resulting in the cancellation of all or a portion thereof, the cancelled matter shall not be reproduced in the new item effecting the cancellation except to the extent necessary to identify the item.

(9) STATEMENT OF CANCELLATION; MATTER WITHDRAWN OR EXPIRED. If an item is withdrawn in its entirety, or expires by its own terms, a statement of the cancellation or expiration shall be brought forward on subsequent supplements as a reissued item, bearing the same item number and the appropriate letter suffix.

(10) RE-USE OF ITEM NUMBERS. When the provisions of an item have been eliminated by cancellation or expiration they may not be reinstated except by republication in a revised item bearing a new number.

(11) REJECTED TARIFF MATTER. When a tariff, supplement, or revised page is rejected, the number which it bears may not be used again as the designation of any new filing. Any publication that is issued in lieu of the rejected publication must bear a notation that it is so issued.

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

PSC 18.08 Filing and posting of tariffs. (1) **LESSER TIME; EXCEPTIONS.** Except as provided for in Wis. Adm. Code section PSC 18.08 (2), and in instances where the commission may prescribe a lesser time by authority or otherwise so orders, all tariffs, supplements thereto, and reissued loose-leaf tariff pages must be filed with the commission 15 days prior to the effective date specified on the filing. Two copies of the tender must be submitted.

(2) **LESSER TIME; EXCEPTIONS.** A carrier may file tariffs, supplements thereto, and loose-leaf tariff pages on less than 15 days' notice under special provisions set forth in Wis. Adm. Code section PSC 18.03.

(3) **POSTING TARIFFS.** (a) *Carrier's general office.* Each carrier shall maintain a complete file of all tariffs issued by it or its agents, Register, February, 1970, No. 170

including all tariffs in which it concurs as a participating carrier, at its principal or general office.

(b) *Carrier's agency station.* Each carrier shall maintain an up-to-date file of all tariffs at each of its agency stations showing all rates, rules, and regulations which are applicable from or to such individual station.

(c) *Public accessibility.* All tariffs maintained at agency stations or at the general office of the carrier shall be accessible and open to public inspection during the regular office hours of the carrier.

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

PSC 18.09 Suspended matter. Upon receipt of an order from the public service commission of Wisconsin suspending any tariff, supplement, or revised page or pages of loose-leaf tariffs, in whole or in part, the carrier or agent who filed the tariff, supplement, or page shall immediately file with the commission and distribute in accordance with the rules herein, other than Wis. Adm. Code section PSC 18.03, a consecutively numbered suspension supplement. The suspension supplement shall bear an issued date and contain substantially the following information:

NOTICE OF SUSPENSION

INVESTIGATION AND SUSPENSION DOCKET NO. -----

By order of the Public Service Commission of Wisconsin, dated -----, 19-----, in Investigation and Suspension Docket No. -----, (*in this space, name specifically all of the matter suspended*) published to become effective -----19 ---- in (*cite specific tariff location*) of this tariff, is hereby suspended until further order of the Commission.

Pending restoration or cancellation of the above-named suspended matter, the provisions of (*here, cite by direct reference, the matter and its location which will apply during the period of suspension*) will apply and remain in full force and effect, unchanged, pending further order or final determination by the Commission.

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

PSC 18.10 Assignment or lease of operations; change in name or control. (1) **NEW OR ADOPTION TARIFFS; FILING BY ASSIGNEE.** When the name of a contract carrier is changed, or when its operating control is transferred to another contract carrier by assignment or lease, the carrier which will thereafter operate the properties shall file with this commission and post new tariffs in accordance with this chapter; or, in the alternative, said carrier shall issue and file with this commission and post an adoption notice in the form of a tariff (see appendix C to Wis. Adm. Code chapter PSC 18), numbered in its regular tariff number series.

(2) **ADOPTION SUPPLEMENTS; FILING BY ASSIGNEE.** In addition, the adopting carrier shall immediately issue and file with this commission and post consecutively numbered adoption supplements (see appendix D to Wis. Adm. Code chapter PSC 18) to each of the effective tariffs issued or adopted by the prior carrier.

(3) CANCELLATION OF RATES. (a) *By assignor.* The prior carrier (assignor or lessor) shall cancel, to become effective on a date coincidental with the effective date of assignee's or lessee's new tariff or adoption notice, all local rates, either class or commodity, which are applicable wholly on that part taken over by the assignee or lessee. The cancellation supplement shall make reference by name and number to the tariff to which the rates are to be transferred.

(b) *By agents.* Tariffs, issued by other carriers or agents and containing rates and arrangements of a participating carrier which are taken over in whole or in part by another carrier, shall be amended promptly by the next supplement or revised page filed in the regular way to incorporate all necessary changes.

(4) POWERS OF ATTORNEY; REPLACEMENT. Powers of attorney adopted by a carrier, assignee, lessee, or other party shall, within 120 days, be replaced and superseded by new powers of attorney issued by and numbered in the series of the adopting carrier, assignee, or lessee, as provided in Wis. Adm. Code section PSC 18.11.

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

PSC 18.11 Powers of attorney. Whenever a carrier desires to confer authority to an agent to issue and file tariffs and supplements thereto in its stead, a power of attorney shall be issued. (See appendix E to Wis. Adm. Code chapter PSC 18.) The original power shall be filed with the commission. Revocation of a power of attorney may be accomplished on not less than 30 days' notice to the commission. (See appendix E and F to this chapter.)

History: Cr. Register, February, 1970, No. 170, eff. 5-1-70.

APPENDIX A

Form of Title Page of Tariff

LC-----

BADGER STATE FREIGHT LINES, INC.

FREIGHT TARIFF NO. 1-A

(Cancels Freight Tariff No. 1)

Naming

Rates

on

Intrastate Traffic

Between

Points in Wisconsin

* Governed except as otherwise provided herein, by the L.T.L. Ratings, Rules and Regulations of National Motor Freight Classification No. _____, supplements thereto, and reissues thereof.

ISSUED: _____, 19____ EFFECTIVE: _____, 19____

* Issued on _____ days' notice in accordance with Public Service Commission of Wisconsin Approval No. CRA— _____ dated _____, 19____.

ISSUED BY:
John Smith, Traffic Manager
Badger State Freight Lines, Inc.
505 Chippewa Street
Milwaukee, Wisconsin 579800

* Where necessary.

APPENDIX B

Form of Title Page of a Supplement

LC— -----

BADGER STATE FREIGHT LINES, INC.

Supplement No. 10

(Cancels Supplements Nos. 4 and 8)

(Supplements Nos. 9 and 10 contain all changes)

to

FREIGHT TARIFF No. 1-A

Naming

Rates

on

Intrastate Traffic

Between

Points in Wisconsin

ISSUED: -----, 19---- EFFECTIVE: -----, 19----

* Issued on ----- days' notice in accordance with Public Service Commission of Wisconsin Approval No. CRA— ----- dated -----, 19----

ISSUED BY:
John Smith, Traffic Manager
Badger State Freight Lines, Inc.
505 Chippewa Street
Milwaukee, Wisconsin 77832

* Where necessary.

APPENDIX C

Form of Adoption Notice Tariff

LC-----

TARIFF No. 1

WILLIAM BEAN

doing business as

BEAN MOTOR LINES

ADOPTION NOTICE

William Bean doing business as Bean Motor Lines hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, or other instruments whatsoever, including supplements or amendments thereto, filed with the Public Service Commission of Wisconsin by or heretofore adopted by Ajax Transfer, Inc. prior to ----- 19---- pursuant to order of the Public Service Commission of Wisconsin in docket No. -----, dated -----, 19-----, 19-----.

ISSUED: -----, 19-----?

ISSUED BY:

William Bean
doing business as
Bean Motor Lines
111 Sand Avenue
Madison, Wisconsin 74298

APPENDIX D

Form of Adoption Supplement

Supplements Nos. 3 and 4
contain all changes

Supplement No. 4
to
Freight Tariff No. 6
(Ajax Transfer, Inc., series)

WILLIAM BEAN

Doing Business as

BEAN MOTOR LINES

ADOPTION OF

AJAX TRANSFER, INC.

By

WILLIAM BEAN

Doing Business as

BEAN MOTOR LINES

Effective (date of adoption tariff), 19____, this tariff, or as amended,
became the tariff of William Bean, doing business as Bean Motor
Lines, as stated in its Adoption Notice Tariff No. ____.

ISSUED: _____, 19____

ISSUED BY:

William Bean
doing business as
Bean Motor Lines
111 Sand Avenue
Madison, Wisconsin 999990

APPENDIX E

Sample Form of Wisconsin Intrastate Power of Attorney

Power of Attorney No. -----

(Name of Carrier in Full)

(Post Office Address)

----- 19-----

Know All Men By This Instrument:

That, on the ----- day of ----- 19-----

-----, a contract motor carrier by
(Name of Carrier in Full)

motor vehicle does (do) hereby make and appoint -----,
(Name of Agent)

attorney and agent to publish and file for such carrier tariffs and supplements thereto, as permitted or required by Chapter 194, and as amended, Wisconsin Statutes, and the regulations of the Public Service Commission of Wisconsin issued pursuant thereto, and does (do) hereby ratify and confirm all that said attorney or agent may lawfully do by virtue of the authority herein granted and does (do) hereby assume full responsibility for the acts and failures to act of said attorney and agent.

(Name of Carrier)

By -----

Attest (if a corporation):

-----, Secretary
(Corporate Seal)

APPENDIX F

Sample Form of Wisconsin Intrastate Revocation Notice

(Name of Carrier)

(Post Office Address)

----- 19-----

Know All Men By This Instrument:

Effective -----, 19-----, Power of attorney

No. -----, issued by ----- in favor of
(Name of Carrier)

----- is hereby cancelled and revoked.
(Name of Agent or Carrier)

(Name of Carrier)

By -----

-----, Secretary

Attest (if a corporation):
(Corporate Seal)
- Duplicate mailed to

(Name of Agent or Carrier)

(Address)

(Date)

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