

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

PUBLIC SERVICE COMMISSION

MOTOR CARRIERS

(By authority conferred on the public service commission by section 6 of article V of Act No. 254 of the Public Acts of 1933, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, as amended, being SS479.6 and 24.233 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 460.18101 Definitions.

Rule 101. (1) As used in these rules:

(a) "Able" means the ability to currently provide, or the presentation of a reasonable plan to provide, service commensurate with the extent of the application for authority.

(b) "Act" means Act No. 254 of the Public Acts of 1933, as amended, being S475.1 et seq. of the Michigan Compiled Laws.

(c) "Amendment" means any change, including additions, in a tariff, or cancellation from a tariff.

(d) "Biweekly information bulletin" means the commission's publication containing notices of applications and transfers of permits or certificates, filings of rates and charges, and any other matters relating to the commission's powers and duties to regulate motor carriers of property.

(e) "Commission" means the Michigan public service commission.

(f) "Haul" means the movement or act of carriage between points via intrastate routes over which the carrier has operating authority as conferred by the commission.

(g) "ICC" means interstate commerce commission.

(h) "Institution of proceeding" means the date of publication of the biweekly information bulletin in which the original or expanded application is noticed.

(i) "Intrastate" means the transportation of property moving between 2 points that are within the boundaries of the state of Michigan, other than traffic that is determined to be interstate and foreign.

(j) "Joint rate" means a rate that applies over the lines or routes of 2 or more carriers and that is made by arrangement or agreement between those carriers as evidenced by concurrence or power of attorney.

(k) "Joint tariffs" means tariffs that contain joint rates.

(l) "Michigan motor carrier operation" means the physical plant and equipment of an intrastate business enterprise engaged in the transportation for hire of commodities by motor vehicle from place to place upon the public highways of this state.

(m) "Minority" means a person who is black, Hispanic, Asian, American Indian, Alaskan native, female, or handicapped, as defined by Act No. 220 of the Public Acts of 1976, as amended, being S37.1101 et seq. of the Michigan Compiled Laws, and known as the Michigan Handicappers' Civil Rights Act.

(n) "Minority-owned business" means a business enterprise in which more than 50% of the voting shares or interest in the business is owned, controlled, and operated by individuals who are members of a minority and with respect to which more than 50% of the net profit or loss attributable to the business accrues to shareholders who are members of a minority, or to a partner who is a minority.

(o) "Motor carrier regulatory division" means that administrative subdivision of the commission that regulates the operation of motor carriers pursuant to the act.

(p) "Post" means the maintenance of a file of tariffs that the public may inspect.

(q) "Protest" means a written statement objecting fully or in part to any motor carrier matter for consideration before the commission.

(r) "Protestant" means one who files a formal written protest with the commission.

(s) "Shipper" means one who ships or receives goods from one place to another.

(t) "Suitable" means the absence of substantial violations of the act,

Act No. 181 of the Public Acts of 1963, as amended, being S480.11 et seq. of the Michigan Compiled Laws, orders of the commission, and all statutes or administrative rules governing the operation of motor carriers.

(u) "Tariff" means a publication containing 1 or more rates, charges, classification ratings, rules, regulations, or other provisions, or any combination thereof, of 1 or more carriers together with the publication's supplements or loose-leaf page amendments, if any.

(v) "Through rate" means the total rate from point of origin to destination. A through rate may be a local rate, a joint rate, or a combination of separately established rates.

(2) Terms defined in the act shall have the same meanings when used in these rules.

History: 1984 AACS; 1988 AACS.

#### R 460.18105 Motor carrier advisory board.

Rule 105. (1) A motor carrier advisory board is created to facilitate a continuing and meaningful exchange between the transportation industry, consumers, and the commission staff. The board shall consist of 15 members comprising a representative cross section of the transportation industry and the shipping public and shall be appointed by the commission. The term of office of each member of the advisory board shall be 12 calendar months, commencing in January each year. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. The advisory board shall meet bimonthly commencing in February, 1983, or at the call of the chairperson of the board. Members of the advisory board shall receive no compensation and shall not be reimbursed for any expenses incurred in carrying out their advisory functions.

(2) The advisory board shall provide a forum to discuss generic issues, foreseeable problems, and potential resolutions of matters affecting the motor carrier industry and the public. The board shall not undertake discussions as to the performance of individual commission employees or cases pending before the commission or the courts. Board recommendations shall not be binding and shall be advisory in nature and shall not be binding upon the commission.

(3) The board shall establish procedures for the orderly conduct of its activities.

History: 1984 AACS.

#### R 460.18106 Meetings; motor carrier advisory board; posting of notice; minutes.

Rule 106. (1) All meetings of the motor carrier advisory board shall be open to the public and all persons shall be allowed to attend and to address a meeting. The conditions under which a member of the public is allowed to address the meeting shall be reasonable, flexible, and designed to encourage public expression.

(2) Not less than 8 business days before the date of a regular meeting, notice shall be posted at the commission and published in the biweekly information bulletin. The notice shall contain the date, time, and place of the meeting, and a statement that the meeting is open to the public.

(3) A special meeting may be called by the chairperson of the board. Not less than 2 business days before the date of a special meeting, notice shall be posted at the commission and shall either be mailed to the board members or provided by telephone. A written notice shall contain the date, time, and place of the meeting, and a statement that the meeting is open to the public. A telephone notice shall provide the date, time, and place of the meeting.

(4) Minutes of each meeting shall be kept and shall be open to public inspection. Copies of minutes shall be available to the public at the reasonable estimated cost of printing and copying.

History: 1984 AACS; 1988 AACS.

#### R 460.18199 Rescission.

Rule 199. (1) R 460.160 to R 460.280, R 460.290 to R 460.407, and R 460.411 to R 460.476 of the Michigan Administrative Code, noted on page 4695 of the 1979 Michigan Administrative Code, are rescinded.

(2) R 460.15001 to R 460.15133 of the Michigan Administrative Code, appearing on pages 4826 to 4845 of the 1979 Michigan Administrative Code, are rescinded.

History: 1984 AACS.

## PART 2. APPLICATION FOR MOTOR CARRIER CERTIFICATE OR PERMIT

R 460.18201 Information to be submitted.

Rule 201. (1) A person shall apply for a certificate of authority or a permit on forms prescribed by the commission and accompanied by the fee prescribed in section 1 of article IV of the act. An application shall include all of the following information:

- (a) A statement of the experience of the applicant as a motor carrier.
- (b) The ownership and condition of the equipment and physical property of the applicant proposed to be used.
- (c) A statement that demonstrates how the proposed service will serve a useful public purpose, and any other information required to demonstrate that the applicant is fit.

(2) Failure to comply with the instructions on the application form may result in the rejection, dismissal, or denial of the application.

History: 1984 AACS; 1988 AACS.

R 460.18202 Caption summary.

Rule 202. (1) A caption summary that includes the complete commodity and geographic description of the application shall be published in the biweekly information bulletin that is mailed to all authorized motor carriers and subscribers.

(2) If a commodity or geographic description is amended to a degree that the originally published caption summary may have misled potential protestants, all proceedings on the application shall be suspended, an amended caption summary shall be published in the biweekly information bulletin, and a new 20-day protest period shall begin to run from the date of publication.

History: 1984 AACS; 1988 AACS.

R 460.18203 Support for or opposition to application for authority.

Rule 203. (1) In evaluating the ability of a carrier to operate safely, the commission will consider, based upon the evidence presented, the incidence of accidents, citations, violations, and vehicles placed out of service by law enforcement agencies. The commission will also consider the results of safety audits conducted by the Michigan state police and the United States department of transportation.

(2) In evaluating an applicant's fitness and suitability, the commission will consider, based upon the evidence presented, all of the following criteria:

- (a) The nature and extent of past violations.
- (b) Whether the conduct has exhibited a knowing disregard for the act or commission orders.
- (c) Whether the applicant has corrected the cause of any violations and is in compliance with the act and commission orders.
- (d) Mitigating circumstances, if any.

(3) At the time of hearing or in processing for modified procedure, an applicant for authority shall submit an affidavit or proofs that all of the vehicles proposed to be used in operating the authority have been inspected during the preceding 12-month period and were, at the time of inspection, in compliance with Act No. 181 of the Public Acts of 1963, as amended, being S480.11 et seq. of the Michigan Compiled Laws, or Act No.300 of the Public Acts of 1949, as amended, being S257.1 et seq. of the Michigan Compiled Laws. A list of those vehicles shall be provided together with the dates of inspections and names of persons or entities conducting the inspections. At the time of filing the application, if an applicant has not identified those vehicles proposed to be used in operating the

authority, the affidavit certifying inspection shall be submitted before the issuance of a certificate or permit.

(4) Based upon the evidence presented regarding excess service, the commission will consider and make findings regarding whether the grant of authority may endanger the ability of existing carriers to provide adequate, economical, safe, and efficient service to such an extent that service to the public may be adversely affected and thus be contrary to the public interest as set forth in the purpose and policy of section 2 of article I of the act.

(5) At the time of hearing, an applicant for authority shall submit proof of demonstrated public need for the proposed transportation service through supporting shipper witnesses and other witnesses who are representative of the public need or demand that is claimed to exist.

(6) In those cases processed through the modified procedure, the proof of demonstrated public need shall be submitted through verified statements of supporting shipper witnesses who are representative of the public need or demand that is claimed to exist.

(7) A motor carrier opposing an application shall file a protest together with the fee prescribed in section 1(a) of article IV of the act. A protest shall be filed within 20 calendar days of the publication of the application and include a certificate of service containing all of the information set forth in R 460.19301(1) or (2). The filing date, for purposes of this rule only, shall be, in the case of mailing through the United States postal service, the postmark on the envelope or, in all other forms of delivery, the date actually received by the commission. Failure to file a protest in a timely manner waives participation in the proceeding before the commission.

(8) A person other than a motor carrier or a witness supporting or opposing an application shall file a petition to intervene not later than 20 calendar days after the publication of the notice of filing of the application in the biweekly information bulletin. A certificate of service verifying the date the petition to intervene was mailed by first-class mail or served in person upon the applicant or the applicant's representative shall be filed with the petition. Failure to file a petition to intervene in a timely manner waives participation in the proceeding before the commission, except for good cause shown.

History: 1984 AACS; 1988 AACS.

#### R 460.18204 Contents of the protest.

Rule 204. A protestant shall submit and verify, in accordance with R 460.19301(3), all of the following information in separately numbered paragraphs:

- (a) The name and address of protestant, including authority number, if any.
- (b) The name, occupation, and qualifications of witness presenting the information.
- (c) A description of the extent to which the protesting party possesses authority to handle the traffic for which authority is applied, is willing and able to provide service that meets the reasonable needs of the shippers or public involved, and has either performed service within the scope of the application during the 12-month period before the application was filed or has actively, in good faith, solicited service within the scope of the application during that period.
- (d) If subdivision (c) of this rule is not applicable, a description of an application which the prospective protestant has pending before the commission which was filed before the applicant's application and which is substantially for the same traffic.
- (e) A request for oral hearing, if desired.

History: 1984 AACS.

#### R 460.18205 Waiver of proposal for decision.

Rule 205. The parties may, by written stipulation, or orally on the record, waive the issuance of a proposal for decision under the provisions of section 81 of Act No. 306 of the Public Acts of 1969, as amended, being S24.281 of the Michigan Compiled Laws, and known as the administrative procedures act of 1969. If the parties choose to waive the issuance of a proposal for decision, they shall do so by means of forms prescribed and furnished by the commission, by letters, or orally on the

record, setting forth the information contained in the commission's waiver form. If a proposal for decision is not waived by the parties, a proposal for decision shall be prepared and served upon all parties within the period of time provided in section 4 of article I of the act.

History: 1984 AACS.

R 460.18206 Joint pleadings.

Rule 206. Where practicable, parties having common interests may jointly prepare and file pleadings.

History: 1984 AACS.

R 460.18207 Rescinded.

History: 1984 AACS; 1988 AACS.

R 460.18208 Contents of the petition to intervene.

Rule 208. (1) An intervenor shall submit both qualifying and factual information and shall include with the filing a verification of the facts asserted in the petition to intervene.

(2) All of the following qualifying information shall be submitted in separately numbered paragraphs:

(a) The name and address of the intervenor.

(b) The name, occupation, and qualifications of each witness.

(c) A description of the interest or interests which are consistent with the transportation policy set forth in section 2 of article I of the act.

(3) All of the following factual information shall be submitted in separately numbered paragraphs:

(a) Information substantiating the intervenor's position regarding the ability, willingness, and fitness of the applicant to comply with appropriate statutes and rules governing its activities.

(b) Any legal or other argument.

(c) A request for oral hearing, if desired.

History: 1984 AACS.

R 460.18209 Filing of reply statement.

Rule 209. If a petition to intervene is filed under this part, the applicant may file a reply statement. This statement shall be filed with the commission within 15 calendar days following filing of the petition to intervene and include a verification of the facts asserted in the reply statement containing all of the information set forth in R 460.19301(3) and a certificate of service containing all of the information set forth in R 460.19301(1) or (2). The reply shall only explain matters previously raised.

History: 1984 AACS.

R 460.18212 Interstate applications.

Rule 212. (1) A motor carrier engaged in transportation in interstate or foreign commerce into or through the state of Michigan shall register that part of its interstate commerce commission certificate or permit including extensions involved in Michigan with the commission. The application for registration shall be in the form and contain the information requested. Operations shall not be commenced within the state of Michigan until a copy of the receipted registration is received from the commission.

(2) A motor carrier engaged in the transportation of property in interstate or foreign commerce into or through the state of Michigan, wherein the movement has been granted ICC exempt status, shall register its intent to perform ICC exempt operations with the commission and comply with applicable rules and regulations before the commencement of operations.

History: 1984 AACS.

### PART 3. MODIFIED PROCEDURE

R 460.18301 Initiation of modified procedure.

Rule 301. (1) Twenty calendar days following publication of an application in the biweekly information bulletin, when no timely protest is filed, when oral hearing is waived by all parties, or when all protests previously filed have been withdrawn, the commission may direct that an application be processed under modified procedure if it appears that substantially all issues of material fact might be resolved by means of written materials and that the efficient disposition of the proceeding can be made without oral hearing.

(2) A protested application shall be scheduled for oral hearing.

(3) A notice directing modified procedure shall be served on all parties to the proceeding directing that they comply with these modified procedure rules.

History: 1984 AACS.

R 460.18302 Applicant's shipper or witness support.

Rule 302. Within 30 calendar days of the notice directing modified procedure, an applicant shall submit a verified statement of shipper or witness support on forms prescribed by the commission, a verified statement containing all of the information set forth in R 460.19301(2), a statement of the demonstrated public need of supporting shipper and other witnesses who are representative of the public need or demand which is claimed to exist, and such other information as the applicant deems appropriate. With this submission, the applicant shall include a verification of the facts asserted in the verified statement and a certificate of service which verifies the date on which the applicant's shipper or witness support statements were mailed by first-class mail or served in person upon the protestants, if any, or the representatives of the protestants.

History: 1984 AACS.

R 460.18303 Protestant's factual information.

Rule 303. (1) Within 30 calendar days of the service of an applicant's verified statement, protestants shall submit all of the following factual information in separately numbered paragraphs:

(a) A description or copy of the authority in conflict with that sought in the application.

(b) A description of the equipment and facilities available to meet the purpose of the application.

(c) A description of the present operations that pertain to the application, including a description of the specific services provided to shippers supporting the application or within the same territory.

(d) The adverse impact on the protestant's business generally and on the public, such as the need to close facilities, the number of employees that would be affected, the resulting imbalance or inefficiencies caused to protestant's operations, the inability to continue existing service due to a reduction in total business, or other factors.

(e) Information substantiating that the applicant is not fit, willing, or able to comply with the appropriate statutes and rules governing its activities.

(f) Any legal or other argument.

(2) With the factual information, a protestant shall include a verification of the facts asserted in the statement. The verification shall contain all of the information set forth in R 460.19301(3) and shall be accompanied by a certificate of service containing all of the information set forth in R 460.19301(1) or (2).

History: 1984 AACS; 1988 AACS.

R 460.18304 Filing of reply statement.

Rule 304. If a protest or petition to intervene is filed under this part, a reply statement may be filed. This statement shall be filed with the commission within 15 calendar days following receipt of the protestants' or intervenors' factual information. The reply shall explain only matters previously raised. The reply statement shall include a verification of the facts asserted in the reply statement containing all of the information set forth in R 460.19301(3) and a certificate of service containing all of the information set forth in R 460.19301(1) or (2).

History: 1984 AACS.

R 460.18307 Late filings.

Rule 307. Unless otherwise authorized, the failure of an applicant to comply with the provisions of R 460.18302 shall result in dismissal of the application. Unless otherwise authorized, statements of a protestant or intervenor which are filed late shall not be considered under this part.

History: 1984 AACS.

R 460.18308 Applicability of R 460.18205, R 460.18206, and R 460.18207.

Rule 308. R 460.18205, R 460.18206, and R 460.18207 shall be applicable to this part.

History: 1984 AACS.

#### PART 4. CERTIFICATES AND PERMITS

R 460.18401 Change of names.

Rule 401. A motor carrier shall not change its name without filing the proper application and receiving commission approval.

History: 1984 AACS.

R 460.18402 Fixed route carriers; construction of certificate.

Rule 402. A certificate of authority issued to a common carrier operating over fixed regular routes or within 1 mile of a fixed route and between fixed terminals shall be construed to include intermediate points on the routes, unless the points are expressly excluded.

History: 1984 AACS.

R 460.18403 Limitations imposed by certificate or permit; new or amended permit.

Rule 403. (1) A limited common carrier certificate is limited to the specific service authorized by it.

(2) A permit granted and issued to a contract carrier shall contain the names of all shippers for whom the contract carrier is authorized to transport property. A contract carrier shall not engage in any other or different operations or transport for any other or additional shippers than those named in its permit without having obtained a new or amended permit covering the new operation or shippers. A new or amended permit shall be obtained in the manner prescribed for procurement of an original permit. When requested by the motor carrier regulatory division, contract carriers shall file or make available for staff inspection all current complete contracts.

History: 1984 AACS; 1988 AACS.

R 460.18404 Reclassification of motor carrier operating authority.

Rule 404. (1) The commission may reclassify motor carriers when it determines from its records that it is necessary. Upon application of a carrier or other person, the commission shall consider whether a carrier should be reclassified. A proposed reclassification shall be noticed in the biweekly information bulletin not less than 10 days before any action thereon.

(2) A reclassification shall be considered and effected without a hearing, unless otherwise ordered by the commission upon its own motion or upon written request for a hearing by a carrier involved or by other interested persons. If a hearing is ordered by the commission, due notice shall be given in the same manner as a hearing on an application for a certificate of authority and a contract carrier permit under the act.

(3) In the absence of protest, the commission may issue proper operating authority to all carriers which it reclassifies.

History: 1984 AACS.

R 460.18405 Primary business.

Rule 405. A person engaged in any other business or enterprise who transports property by motor vehicle for business purposes, unless the transportation is within the scope, and in the furtherance, of the person's primary business enterprise, which is not transportation, is deemed to be conducting a motor-carrier-for-hire operation in evasion of the act, unless the transportation has been authorized by the commission pursuant to the act and these rules or is exempt under the act.

History: 1984 AACS.

R 460.18406 Leasing.

Rule 406. The leasing of a motor vehicle to be operated by an employee of the lessor for transportation of property to a person other than to a regulated carrier is prohibited as what is defined as "through any device or arrangement" as defined in subsection (1) of section 1 of article I of the act, which shall constitute an evasion of the act unless the parties to the lease conduct their operation according to the terms of the lease agreement, which shall be in writing and provide that the vehicle shall be operated by the lessee or an employee thereof and the operation and use of the vehicle shall be subject to lessee's supervision, direction, and control for the full period of the lease. The lessor or any employee of the lessor shall not qualify as an employee of the lessee.

History: 1984 AACS.

R 460.18407 Subleasing, leasing, or rental of certificate or permit prohibited.

Rule 407. Any subleasing, leasing, or rental of a certificate or permit in whole or in part is prohibited.

History: 1984 AACS.

R 460.18408 Double or multiple certification of equipment; "common ownership" defined.

Rule 408. (1) Double or multiple certification of equipment is permissible when there is common ownership of 2 or more certificates or permits or when the commission finds that due to the seasonal nature of the transportation to be performed or due to the better utilization of specialized equipment, double or multiple certification should be allowed for a specific period of time. An application for authority for double or multiple certification of equipment shall be submitted by all the carriers involved on forms to be furnished by the commission and shall contain a verified statement of the facts relied upon by the applicants. The application shall be noticed in the biweekly information bulletin. Unless a protest is filed within 20 days after the date of publication, the commission may grant the authority requested without a hearing. The filing fee as prescribed by section 1a of article IV of the act shall apply.



(2) "Common ownership," for purposes of this rule, means that 1 of the applicants, whether a sole proprietorship, partnership, or corporation, owns not less than 51% of the other carrier or carriers involved.

(3) A vehicle operating under double or multiple certification shall be under the direction and control of the carrier under whose authority the operation is being performed, and the tariffs, shipping documents, and invoicing shall be those of the carrier under whose authority the operation is being performed. Double or multiple certification shall not be used to effect a tacking or interlining of 2 or more authorities or to effect a subleasing, leasing, or other use of a certificate or permit by a carrier other than the authorized carrier named in the certificate or permit.

History: 1984 AACS; 1988 AACS.

R 460.18409 Discontinuance of service.

Rule 409. (1) An application for temporary or permanent discontinuance of service shall be submitted on forms prescribed by the commission.

(2) An order authorizing temporary discontinuance of service shall not extend beyond 3 years. After service has been discontinued pursuant to this rule for a total of 3 years, a further discontinuance shall not be granted except after notice and hearing. While in temporary discontinuance, an authority shall be renewed annually in the same manner as an active authority, pursuant to section 10 of article V of the act.

History: 1984 AACS; 1988 AACS.

R 460.18410 Detours.

Rule 410. (1) A carrier shall not allow its motor vehicles to be operated over any route other than that prescribed in its certificate or permit without express consent of the commission, unless the prescribed route is blocked or otherwise rendered temporarily impassable.

(2) Where the route or part of the route of the motor carrier is closed by a public authority, the detour prescribed by the public authority shall become the authorized route of the carrier until the regular route is reopened for public travel, unless otherwise ordered by the commission.

History: 1984 AACS.

R 460.18411 Governmental changes in highways.

Rule 411. (1) When a route of a motor carrier is slightly changed or relocated, but does not serve a new territory, the motor carrier may travel on the new route without application to or order by the commission. When the highway on which a motor carrier is entitled to travel is changed to include territory not served by the motor carrier, the motor carrier shall not serve points not presently authorized upon the new route until authority is granted to it on application to and order by the commission.

(2) The changing of the numbers of a highway by a governmental authority shall not affect the rights of a carrier. If the number of a highway is given to another highway, the motor carrier has no right to travel the newly numbered highway, but has the right to travel the route originally granted.

(3) When the location or designation of a route in a certificate or permit is changed by a governmental authority, the certificate or permit holder shall indicate the changes by a precise statement showing the official designations of the route before and after the change and shall precisely describe any change in location of the designated route which has occurred.

History: 1984 AACS.

R 460.18412 Emergency substitution of equipment.

Rule 412. (1) For the purpose of this rule, an emergency is considered to exist when, by reason of breakdown or an unusual temporary demand for transportation, a motor carrier finds it necessary to provide additional motor vehicles for a limited period.

(2) Upon request by a motor carrier, accompanied by payment of \$10.00 per card, the commission may issue prenumbered special identification cards to the carrier. A card shall not be used for more than 72 consecutive hours. If the emergency requires the use of the equipment for a longer period, a new card shall be issued for each additional 72 hours the vehicle is in use. Immediately after use of an emergency card, it shall be returned to the commission with a written report of the reason for the use. There shall be no refund for unused cards.

(3) When a motor carrier is required by an emergency to use equipment not bearing commission identification plates, the motor carrier, in ink or by typewriter, shall enter upon a special identification card duly issued to the motor carrier the date on which the equipment is to be used and the description and identification of the equipment in the manner indicated on the form of the card prescribed by the commission. The motor carrier, officer, agent, or employee of the motor carrier who authorizes use of the card shall sign the card. The cards so filled out shall be placed and kept in the equipment during the use thereof.

(4) The commission shall be the sole judge of the extent to which a motor carrier may use emergency equipment and special identification cards and reserves the power to deny or curtail their use and to require the motor carrier to register additional vehicles.

(5) A vehicle operating under a special identification card shall be under the control and direction of the motor carrier issuing the card and shall be used only within the scope of the authority of that motor carrier. A card shall not be used to effect a tacking or interlining of 2 authorities.

(6) A vehicle operating under a special identification card shall be exempt from the provisions of sections 10(6) and 10(a)(1) of article V of the act.

History: 1984 AACs.

R 460.18413 Business address and telephone number; need to maintain current information.

Rule 413. A motor carrier holding a certificate or permit from the commission shall maintain on file with the commission its current principal business address and telephone number and the name of an officer or business agent at that place of business. Failure to comply with this requirement is a violation subject to the penalty provisions of section 16 of article V of the act.

History: 1988 MR 3, Eff. Mar. 23, 1988.

## PART 5. IDENTIFICATION OF VEHICLE

R 460.18501 Issuance and attachment of vehicle identification.

Rule 501. (1) Upon issuance of a certificate or permit and payment of the appropriate fees, the commission shall issue an identification for each self-propelled motor vehicle covered by the certificate or permit. The identification shall be attached in a conspicuous location on the tractor or truck as directed by the commission. The identification shall remain on the vehicle for which it was issued at all times, unless application has been made to the commission for permanent retirement of the vehicle from operation or when the vehicle is undergoing repairs necessitating removal of the identification.

(2) The identification shall expire automatically on December 31 of the year for which it was issued, unless further extended by the commission.

(3) The loss or destruction of an identification shall be reported to the commission. A substitute identification may be obtained upon making proper application on forms furnished by the commission and payment of a fee of \$3.00.

(4) When authorized by a reciprocal agreement, the commission may exempt a vehicle from the requirements of this rule and R 460.18502.

History: 1984 AACs.

R 460.18502 Cards.

Rule 502. (1) A separate card shall be issued for each self-propelled motor vehicle covered by a certificate or permit. The card shall be carried with the vehicle for which it is issued to permit it to be easily inspected.

(2) In case of loss or destruction of a card, a substitute card may be obtained upon making proper application on forms furnished by the commission and payment of a fee of \$3.00.

History: 1984 AACS.

R 460.18503 Names and accounting numbers.

Rule 503. (1) Within 30 days of commencing service, the name and address of the motor carrier shall be permanently placed in a conspicuous place on both sides of all power vehicles in plain letters and in contrasting colors, with numbers not less than 3 inches in height.

(2) All power vehicles shall be given separate accounting numbers, which shall be placed on both sides of the power vehicles in a conspicuous place in plain numbers not less than 3 inches in height and in contrasting colors.

(3) The letters MPSC and the file number of the motor carrier shall be placed in a conspicuous place on both sides of all power vehicles in plain letters and in contrasting colors, and with numbers not less than 1 1/2 inches in height.

(4) The numbers and letters shall remain on the vehicle only when operated under an active authority issued by the commission.

(5) If any motor carrier shall remove any vehicle permanently from operation under an authority issued by the commission, the authority file letters and numbers shall be promptly removed from that vehicle.

(6) Any motor carrier that shall sell, trade, transfer, or otherwise dispose of any commission-issued authority, or possess any authority that has been denied, revoked, or placed into temporary discontinuance, shall not use the authority file letters and numbers, in any manner whatsoever, in any advertising for that carrier's services.

History: 1984 AACS; 1988 AACS.

R 460.18504 Summary of authority.

Rule 504. Except on approval of the commission, a self-propelled motor vehicle shall not be operated under any certificate or permit issued by the commission unless the motor vehicle shall at all times have in the cab thereof an approved summary of the operating authority of the motor carrier. The summary shall be kept in a clean and legible condition at all times.

History: 1984 AACS.

R 460.18505 Added equipment.

Rule 505. The operation of added equipment shall not begin until commission identification has been issued and attached to the vehicle.

History: 1984 AACS; 1988 AACS.

## PART 6. TRANSFER OF AUTHORITY

R 460.18601 Definitions.

Rule 601. As used in this part:

(a) "Claims," when used in connection with a transfer of authority, means unpaid claims of shippers arising out of the transferor's failure or neglect to collect and pay over c.o.d. moneys and claims for loss or damage where goods have been damaged after delivery to the transferor and before delivery to the consignee by a person or persons, including other carriers, for whose action the transferor is liable.

(b) "Operating rights" means the right to perform transportation as a motor carrier as authorized by a certificate or permit issued by the commission.

(c) "Transfer of authority" means the sale of intrastate motor carrier operating rights, the merger of 2 or more motor carriers, or the merger of a motor carrier with a noncarrier.

History: 1984 AACS.

#### R 460.18602 Applications generally.

Rule 602. A transfer shall be requested in writing on a form prescribed by the commission. The application and the filing fee required by section 1 of article IV of the act shall be filed with the commission. An application shall contain all of the following information:

(a) Full name, address, signature, and title of the transferor.

(b) Full name, address, signature, and title of the transferee.

(c) A copy of the complete intrastate operating authority of transferor, which shall be clearly marked to indicate the authority being transferred and that portion being retained, if any.

(d) A copy of each written agreement covering the proposed transfer, including real estate, equipment, and other property involved in the transaction.

(e) The status of the proceedings for the transfer of any interstate commerce commission authority corresponding to the transfer of intrastate operating rights.

(f) A certified copy of any court order issued to accomplish the transfer or to establish the authority of an executor, trustee, or receiver.

(g) A current financial statement for the transferee.

(h) A copy of the articles of incorporation or assumed name certificate for the transferee, unless previously filed.

(i) A statement indicating whether or not the transferee has other motor carrier authority issued by the commission.

(j) A statement indicating that the rates to be applied by the transferee will be by adoption notice or a new filing.

History: 1984 AACS.

#### R 460.18603 Applications; statement of claims.

Rule 603. Either of the following types of statements shall accompany the application:

(a) A statement containing the written undertaking of the transferee, duly signed, assuming the liability of the transferor and agreeing to pay all such claims against the transferor, as defined in R 460.18601, as of the date of the commission's order approving the transfer.

(b) A statement of all outstanding claims, as defined in R 460.18601, against the transferor of which the transferor has either knowledge or notice at the time of the filing of the application for approval of the transfer. The statement shall set forth the name of each claimant, claimant's last known address, the amount of the claim, and whether the transferor disputes all or part of the claim. The statement shall be subscribed and sworn to by the transferor before a notary public or other officer empowered to administer oaths. The transferor shall give reasonable notice to all claimants of the filing of the application for approval of the transfer, and the statement shall clearly describe the method used in notifying claimants. The statement shall contain a full description of the consideration for the agreement to transfer and, when the consideration for the agreement is the payment of money, in whole or in part, shall contain a consent to the deposit with an escrow agent of the moneys or securities received. If the consideration exceeds the total amount of the claims, the statement shall contain a consent to deposit the part thereof necessary to assure payment of the claims. At any hearing which may be necessary on the application for approval of the transfer, the commission shall determine whether an escrow agent should be appointed and what terms and conditions should be imposed by the

agreement. The purpose of the escrow shall be to afford an opportunity for claimants to have claims adjudicated and paid.

History: 1984 AACS.

R 460.18604 Criteria for approval.

Rule 604. A transfer shall be approved if the commission finds compliance with all of the following provisions:

(a) The application complies with the filing requirements, as to form and content, set forth in R 460.18602 and R 460.18603.

(b) The transferee is fit, willing, and able to provide the transportation to be authorized by the certificate or permit and to comply with the provisions of the act and the rules of the commission.

(c) The transfer is consistent with the declared transportation policy set forth in section 2 of article I of the act.

(d) Service under the certificate or permit has not been discontinued for more than 30 days without a previous order from the commission authorizing the discontinuance.

History: 1984 AACS.

R 460.18605 Disapproval of transfer.

Rule 605. The commission may decide not to approve a transfer if the commission finds any of the following:

(a) The applicant cannot demonstrate a justifiable reason or reasons for the transfer.

(b) The commission finds that the transferor obtained a certificate or permit for speculation.

(c) The transferee does not intend to operate under the motor carrier certificate or permit.

(d) Service under the certificate or permit has been discontinued for more than 30 days without a previous order from the commission authorizing the discontinuance.

History: 1984 AACS.

R 460.18606 Publication.

Rule 606. The caption summary of the authority to be transferred, the name and address of the holder of the authority, and the name and address of the transferee shall be published in the biweekly information bulletin.

History: 1984 AACS.

R 460.18607 Support for or opposition to transfer.

Rule 607. (1) A motor carrier opposing an application for transfer of a certificate or permit shall file a protest setting forth valid reasons therefor and address the criteria for approval or the criteria for disapproval specified in these rules. The filing fee, as prescribed by section 1a of article IV of the act, shall be submitted with the protest. A protest shall be filed within 20 calendar days of the publication in the biweekly information bulletin and shall include a certificate of service containing all of the information set forth in R 460.19301(1) or (2). Failure to timely file a protest waives participation in the proceeding before the commission.

(2) A person other than a motor carrier supporting or opposing an application for transfer shall file a petition to intervene not later than 20 calendar days after publication in the biweekly information bulletin and shall include a certificate of service verifying the date the petition to intervene was mailed by first-class mail or served in person upon the transferor and transferee or the representative or representatives of the transferor and transferee. The petition shall set forth valid reasons for the intervention and address the criteria for approval or the criteria for disapproval specified in these rules. Failure to file a

petition to intervene in a timely manner waives participation in the proceeding before the commission, except for good cause shown.

History: 1984 AACS.

R 460.18609 Unopposed application.

Rule 609. If a protest or petition to intervene is not filed, the transfer may be acted upon without hearing.

History: 1984 AACS.

R 460.18610 Temporary authority.

Rule 610. (1) The commission may grant temporary authority for a period not exceeding 60 days while an application for transfer of authority is pending, if it appears that failure to grant the temporary approval may result in the destruction of, or injury to, the motor carrier properties to be transferred or may interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

(2) Before the issuance of a temporary authority, the transferee shall comply with the tariff requirements in R 460.18909 and the insurance requirements in R 460.18910.

History: 1984 AACS; 1988 AACS.

R 460.18611 Consummation of transfers.

Rule 611. When a transfer is approved, the parties shall consummate the transfer within 30 days after service of the commission order, unless extended by special permission of the commission. The parties shall advise the commission, in writing, of the date of consummation.

History: 1984 AACS; 1988 AACS.

## PART 7. SHIPPING DOCUMENTS AND PAYMENT OF FREIGHT CHARGES

R 460.18701 Shipping documents; cargo inspection.

Rule 701. (1) A motor carrier receiving property for transportation between points on its routes and a shipper tendering property for transportation shall execute a bill of lading, contract, or other freight documents that contain the information required in R 460.18703.

(2) A vehicle operated by a motor carrier shall be accompanied by the original or a copy of the carrier's bill of lading, manifest, travel order, or freight bill, which, individually or collectively, shall contain all of the following information:

(a) Consignor.

(b) Consignee.

(c) Commodity.

(d) Origin.

(e) Destination.

(f) Quantity or other units described in the carrier's currently effective tariff.

(3) With approval of the commission, a motor carrier that provides a data communications network between its stations that supplies the information required by this rule may substitute a driver travel order or trip sheet for the documents otherwise required by these rules, except when transporting hazardous materials.

(4) To ensure that shipping documents are consistent with the cargo being transported, all equipment operated by a motor carrier shall be subject to inspection at all reasonable times by employees or agents of the commission.

History: 1984 AACS; 1988 AACS.

R 460.18703 Freight bills; contents.

Rule 703. Upon request and payment of freight charges, a motor carrier shall surrender the original freight bill or a copy to the person paying the charges and shall indicate on it the receipt of all charges paid and the date of payment. No specific form is prescribed, but, when presented, the bill shall show all of the following information with respect to the shipments covered by it:

- (a) Point of origin.
- (b) Shipper.
- (c) Destination.
- (d) Consignee.
- (e) Name of transfer point or points, and name or alpha-code of each motor carrier participating in the haul, in a joint line.
- (f) Date of shipment.
- (g) Weight or quantity of shipment or other unit corresponding to the carrier's tariff.
- (h) Proper description of the property transported.
- (i) Rates applied for the service.
- (j) Any other charge incidental to the transportation.

History: 1984 AACS; 1988 AACS.

R 460.18705 Collect on delivery charges (c.o.d.).

Rule 705. (1) The delivering motor carrier shall remit each c.o.d. collection directly to the consignor or other person designated by the consignor as payee within 10 days after delivery of the c.o.d. shipment to the consignee.

(2) A motor carrier handling c.o.d. shipments as a delivering carrier shall maintain a record of c.o.d. shipments received for delivery in a manner and form that will plainly and readily show all of the following information with respect to each shipment:

- (a) Number and date of freight bill.
- (b) Name and address of shipper or other person designated as payee.
- (c) Name and address of consignee.
- (d) Date shipment delivered.
- (e) Amount of c.o.d.
- (f) Date collected by delivering carrier.
- (g) Date remitted to payee.
- (h) Check number or other identification of remittance to payee.

History: 1984 AACS; 1988 AACS.

R 460.18706 Credit for freight charges.

Rule 706. Upon taking precautions deemed by a motor carrier to be sufficient to assure payment of the tariff charges within the credit period, the motor carrier may relinquish possession of freight in advance of payment of charges and may extend credit in the amount of the charges to shippers for 15 business days, or other period of time instead of 15 days with special permission of the commission. When the freight bill covering a shipment is presented to the shipper on or before the day of delivery, the credit period shall run from 12 o'clock midnight following presentation of the freight bill. When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from 12 o'clock midnight following presentation of the freight bill.

History: 1984 AACS; 1988 AACS.

R 460.18707 Credit for additional charges after freight relinquished.

Rule 707. When a motor carrier has relinquished possession of freight and collected the tariff charges presented by it as the total amount of such charges and another freight bill for additional freight charges is thereafter presented to the shipper, the motor carrier may extend credit in the amount of the additional charges for 30 calendar days, to be computed from the first 12 o'clock midnight following presentation of the subsequently presented freight bill.

History: 1984 AACS.

R 460.18708 Presentation and payment of freight bills.

Rule 708. (1) A freight bill for transportation charges shall be presented to a shipper within 7 calendar days after 12 o'clock midnight following delivery of the freight or upon such period of time set by order of the commission after investigation and hearing on the matter. When a freight bill is presented by United States mail, the postmark shall be considered to be the time of presentation of the bill.

(2) Mailing by a shipper of a valid check, draft, or money order, or an electronic transfer of funds, which is satisfactory to the motor carrier, in payment of freight charges within the credit period constitutes collection of the charges within the credit period. The postmark shall be considered as the time of mailing.

History: 1984 AACS; 1988 AACS.

R 460.18710 Public inspection of records.

Rule 710. A motor carrier shall keep open for public inspection, in its principal place of business, and make available upon request, all rates and charges filed with the commission. Facilities shall be open to the public during normal business hours. A carrier may charge a reasonable fee for the printing and copying of the requested material.

History: 1984 AACS.

R 460.18711 Inspection of carrier files and reports by commission personnel.

Rule 711. The files and reports required by statute to be available for inspection shall be available during normal business hours at the carrier's principal place of business or at such time and place as directed by the commission. The carrier shall notify the commission of its current business office address and the name of a designated representative for the purpose of receiving notices and other submissions from the commission.

History: 1984 AACS.

## PART 8. ACCOUNTING AND REPORTING PROCEDURES

R 460.18801 Annual and quarterly reports.

Rule 801. (1) Before April 30 of each year, or not later than 4 months after the close of its fiscal year, a motor carrier holding authority from the commission shall file an annual financial report. The report shall be prepared from the carrier's books, which shall be kept strictly in accordance with generally accepted accounting principles. The report shall cover the last preceding calendar or fiscal year of the carrier. A fiscal year may be used with prior commission approval. One copy shall be filed with the commission and 1 copy shall be retained by the carrier as part of its permanent records. An annual report for a class I, class II, or class III motor carrier shall be filed and verified by a responsible officer having control of the accounts of the carrier.

(2) The annual report shall be in a format designated by the commission and shall not be more than 10 pages in length. A copy of the carrier's annual report filed with the interstate commerce commission



shall be accepted as the annual report. An annual report containing equivalent information but in another format may be filed with special permission from the commission.

(3) The commission may require class I and class II carriers to file quarterly reports of operating revenues and operating expenses and other data on forms to be furnished by the commission.

(4) Class IV motor carriers shall file a report of gross revenue once every 3 years on forms furnished by the commission.

(5) A carrier holding similar or duplicate common and contract carrier authorities from the commission may be required to state separately the revenues and expenses generated by its common carriage operations and by its contract carriage operations. The contract revenues and expenses may be based upon a sampling of actual contract carrier activities performed during the period covered by the report. Carriers required to file such reports will be advised by the commission of the form and frequency of such reports, which may be either annual or biannual. Information required is for the purpose of determining if cross-subsidization of rates may be occurring contrary to the public interest.

History: 1984 AACS; 1988 AACS.

#### R 460.18802 Classification of carriers.

Rule 802. (1) For the purpose of prescribing uniform systems of accounting for regulated motor carriers subject to the act, carriers are grouped into the following 4 classes:

(a) Class I: Carriers having annual carrier operating revenues, including interstate and intrastate revenues, of \$5,000,000.00 or more.

(b) Class II: Carriers having annual carrier operating revenues, including interstate and intrastate revenues, of \$1,000,000.00 or more, but less than \$5,000,000.00.

(c) Class III: Carriers having annual carrier operating revenues, including interstate and intrastate revenues, of \$200,000.00 or more, but less than \$1,000,000.00.

(d) Class IV: Carriers having annual carrier operating revenues, including interstate and intrastate revenues, of less than \$200,000.00.

(2) The class to which any carrier belongs shall be determined by annual carrier operating revenue. If, at the end of any calendar or fiscal year, annual carrier operating revenue is greater than the maximum for the class in which the carrier is classified, the carrier shall adopt the accounting and reporting requirements of the higher class in which it falls. For class II carriers, adoption of a class I classification shall be effective January 1 or the first day of the fiscal year of the following year. For class III carriers, adoption of a higher classification shall be effective January 1 or the first day of the fiscal year of the second succeeding year. If, at the end of any calendar or fiscal year, a carrier's annual operating revenue is less than the minimum of the class in which the carrier is classified, and has been for 2 consecutive years, upon approval of the commission, the carrier shall adopt the accounting and reporting requirements of the lower class in which the current year revenue falls. Adoption of the lower class shall be effective January 1 or the first day of the fiscal year of the following year.

(3) Carriers shall notify the commission, in writing, of the need for a change in classification.

(4) Any carrier that begins new operations, obtains operating authority not previously held, extends its existing authority, or obtains additional operating rights shall be classified in accordance with a reasonable estimate of its annual carrier operating revenues.

(5) When a business combination occurs, such as a merger, reorganization, or consolidation, the surviving carrier shall be reclassified effective January 1 of the next calendar year or the first day of the fiscal year on the basis of the combined revenue for the year when the combination occurred.

(6) If unusual circumstances occur, such as, but not limited to, partial liquidation or curtailment or elimination of contracted services, where the classification regulations will unduly burden the carrier, the carrier may request that the commission grant an exception to the regulations.

This request shall be in writing and shall specify the conditions justifying an exception.

(7) At its option, any carrier may adopt the accounting requirements of a higher class than the one in which it falls. Notice of the action shall be promptly filed with the commission. However, for reporting purposes, the carrier shall comply with the reporting requirements of the class applicable to its annual carrier operating revenue.

(8) Class III carriers shall keep all accounts in accordance with generally accepted accounting principles. Systems of accounts prescribed for class I and class II carriers set out in 49 C.F.R. part 1207 are adopted by reference in these rules and may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, or the Michigan Public Service Commission, P.O. Box 30221, Lansing, Michigan 48909. No system of accounts is prescribed for class III and class IV carriers. If the systems of accounts published in 49 C.F.R. part 1207 are rescinded, the commission may prescribe systems of accounts.

History: 1984 AACS; 1988 AACS.

## PART 9. EMERGENCY-TEMPORARY AND TEMPORARY AUTHORITY

R 460.18901 Emergency-temporary authority.

Rule 901. (1) A limited term motor carrier authority may be issued for a time as the commission may specify, not to exceed 30 days, to authorize transportation service to a point or points or within a territory having no carrier service capable of meeting the need and for which there is an actual and immediate emergency. An application filed under this rule does not require a filing fee and may be made in person, in writing, or by telephone.

(2) Compliance with the temporary authority procedures in R 460.18902 to R 460.18909 is not required for emergency-temporary authority.

History: 1984 AACS.

R 460.18902 Temporary authority.

Rule 902. A motor carrier may apply for temporary authority to provide service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting the need while an application for permanent authority is pending or a certificate or permit is being processed.

History: 1984 AACS.

R 460.18903 Applications for temporary authority.

Rule 903. An application for temporary authority shall be filed on forms prescribed and furnished by the commission or in letter form containing the information required by the rules in this part. An application filed under R 460.18902 does not require a filing fee.

History: 1984 AACS.

R 460.18904 Supporting statements.

Rule 904. (1) Each application for temporary authority shall be accompanied by a supporting statement or statements which establish an immediate and urgent need for service which cannot be met by existing carriers. Each supporting statement shall contain a verification of its accuracy containing all of the information set forth in R 460.19301(3), and shall be signed by an authorized representative of the shipper having need for the service. Each supporting statement shall contain, at a minimum, all of the following information:

- (a) A description of the special commodity or commodities to be transported.
- (b) Points or areas to and from which, or between which, commodities are to be transported.
- (c) The volume of traffic involved, the frequency of movement, whether and how commodities were transported in the past, and how commodities are proposed to be transported in the future.
- (d) Immediacy of the movement or movements and the reason therefor.
- (e) The period of time that service must be provided.
- (f) An indication that the supporting shipper will support an application for permanent authority.

- (g) The consequences if temporary authority is not granted.
  - (h) The circumstances which created the immediate and urgent need for transportation service.
  - (i) Efforts made to obtain service from existing motor carriers and the results of those efforts.
  - (j) Names and addresses of existing motor carriers which have either failed or refused to provide the service, and the reasons given for the failure or refusal.
- (2) Transportation rates or charges, or both, shall not be lower than those on file with the commission by competing motor carriers for like commodities and services. An applicant shall submit, with its application, certification in accordance with R 460.19301(4). An applicant's tariff may be filed upon 5 days' notice, or upon less than 5 days' notice with the approval of the commission, if the tariff is accompanied by the certification set forth in R 460.19301(4) and is filed in accordance with R 460.19245(7).

History: 1984 AACS.

R 460.18906 Notice of filing of applications; publication of summary.

Rule 906. Notice of the filing of an application for temporary authority shall be given by publication of a summary of the authority sought in the biweekly information bulletin.

History: 1984 AACS.

R 460.18907 Filing of protests to temporary authority application.

Rule 907. A motor carrier opposing an application for temporary authority and capable of providing and willing to provide all or any part of the proposed service may file a protest. A protest filed under this rule does not require a filing fee. A protest shall be specific and provide information substantiating the protestant's claim of capability to provide the service. The protest shall be filed with the commission within 10 calendar days of publication of the notice of the application in the biweekly information bulletin. The filing date for purposes of this rule shall be, in the case of mailing through the United States postal service, the postmark on the envelope or, in all other forms of delivery, the date actually received by the commission. The protest shall be verified and contain all of the information set forth in R 460.19301(3). The protest shall include a certificate of service containing all of the information set forth in R 460.19301(1) or (2). The commission shall take no action authorizing the commencement of a temporary operation until after the expiration of the 10-day notice requirement contained in this rule. The commission shall either grant or deny the application within 5 days of expiration of the protest filing period.

History: 1984 AACS; 1988 AACS.

R 460.18909 Publication of rates and charges.

Rule 909. A motor carrier shall not perform a transportation service under a grant of temporary authority unless and until compliance has been made with the commission's tariff requirements as set forth in R 460.18904.

History: 1984 AACS.

R 460.18910 Proof of security.

Rule 910. Acceptable proof of security for the protection of the public shall be filed with the commission before the issuance of either an emergency-temporary authority or a temporary authority.

History: 1984 AACS.

R 460.18911 Revocation of a temporary authority or emergency-temporary authority.

Rule 911. The commission may revoke a temporary authority or an emergency-temporary authority when the commission determines that the transportation service is no longer required or for other good cause.

History: 1984 AACS.

R 460.18912 Grant of temporary or emergency-temporary authority not permit or certificate; presumption.

Rule 912. A grant of temporary authority or emergency-temporary authority is neither a permit nor a certificate. A grant of temporary authority or emergency-temporary authority shall not establish a presumption that permanent authority to provide transportation will be granted in a corresponding permanent authority application.

History: 1984 AACS.

#### PART 10. COLLECTIVE RATE MAKING BETWEEN OR AMONG CARRIERS

R 460.19001 Definitions.

Rule 1001. As used in this part:

(a) "Decision" means any determination, action, vote, or disposition which has as its purpose an impact upon tariffs, rates, or charges or upon rules which affect tariffs, rates, or charges.

(b) "Meeting" means the convening of a conference, bureau, committee, or other organization established pursuant to an agreement approved by the commission for the purpose of discussing, deliberating toward, or rendering a decision on, motor carrier tariffs, rates, or charges.

(c) "Rates" means rates, classification ratings, divisions, allowances, charges, or rules or any other factor which has an influence on the charge for the transportation service performed by the motor carrier.

History: 1984 AACS.

R 460.19002 Application for authority to establish agreement for collective rate making; form and contents.

Rule 1002. Before 2 or more motor carriers may jointly consider rates, classifications, divisions, allowances, charges, or rules of the motor carriers for any practice or service to be performed in connection with any authority granted by the commission, they shall first submit an application to do so and such application shall be approved by the commission. The application shall contain all of the following information:

(a) Full and correct name and business address (street and number, city and ZIP code, county and state) of the carrier applicant or applicants, hereinafter called "applicant," whether applicant is a corporation, individual, or partnership. If the applicant is a corporation, the government, state, or territory under the laws of which the applicant was organized and received its present charter. If the applicant is a partnership, the names of the partners and date of formation of the partnership.

(b) Full and correct name and business address (city and state) of each carrier on whose behalf the application is filed and whether it is a corporation, individual, or partnership.

(c) If the agreement for which approval is sought pertains to a conference, bureau, committee, or other organization, a complete description of such organization, including any subunits, and of its or their functions and methods of operation, together with a description of the territorial scope of such operations; and, if such organization has a working or other arrangement or relationship with any other organization, a complete description of such arrangement or relationship. If the agreement is of any other character, a precise statement of its nature and scope and the mode of procedure thereunder shall be filed.

(d) The facts and circumstances relied upon to establish that the agreement will be in furtherance of the transportation policy declared in section 2 of article I of the act. Such facts and circumstances

shall include, but not be limited to, the following, which shall be incorporated in the official operating procedures of the conference, bureau, committee, or organization:

(i) A statement that each and every carrier who is a party to the agreement is of the same mode, except as the agreement relates to transportation under joint rates or over through routes.

(ii) A statement that each and every carrier who is a party to the agreement shall have the free and unrestrained right to take independent action after any joint determination is arrived at.

(e) The name, title, and post office address of counsel, an officer, or another person to whom correspondence in regard to the application is to be addressed.

History: 1984 AACS.

R 460.19003 Voting restrictions.

Rule 1003. A motor common carrier shall not vote on rates unless the carrier has authority to participate in the movement being voted upon.

History: 1984 AACS.

R 460.19004 Independent action generally.

Rule 1004. Carrier members of a rate bureau may publish an independent action in their own tariff, or they may publish an independent action in a bureau tariff using the bureau as the tariff publishing agent. A right of independent action shall include any action taken by a common carrier member of a rate bureau to do any of the following:

(a) Establish a rate to be published in the appropriate rate bureau tariff, or to cancel a rate for that carrier's account.

(b) Instruct the rate bureau that an existing rate, whether established by independent action or collective action, that is proposed to be changed or cancelled be retained for that carrier's account and published in the appropriate bureau tariff.

(c) Have published for its account in the appropriate rate bureau tariff a rate established by the independent action of another carrier.

History: 1984 AACS.

R 460.19005 Independent action; restrictions on bureau practices.

Rule 1005. The conference, bureau, committee, or organization will change or cancel a rate established by independent action only for the purposes of tariff simplification, removal of discrimination, or elimination of obsolete items, and only with permission of the participating carriers.

History: 1984 AACS.

R 460.19006 Independent action; prohibition against retaliation.

Rule 1006. (1) It shall constitute a violation of the transportation policy declared in section 2 of article I of the act for 1 or more motor common carriers to retaliate, by any means whatsoever, against a party to an agreement because such party took independent action.

(2) For the purposes of this rule, "retaliate" includes, but is not limited to, any of the following:

(a) Any individual or concerted refusal to do business.

(b) Any boycott.

(c) An actual or attempted extra charge.

(d) Undue delays in settlements of charges between carriers.

(e) Delays in transferring of cargo or in the performance of services.

(f) Any unreasonable cancellation of through routes.

(g) Any unreasonable diversion of traffic from a carrier who took independent action.

(3) For the purposes of this rule, "extra charge" includes a change in rates which have adverse effects on other carriers who exercised their right of independent action.

History: 1984 AACS.

R 460.19007 Required exhibits.

Rule 1007. There shall be filed with, and made a part of, each original application for authority to establish an agreement, and each copy, all of the following exhibits:

- (a) As exhibit 1, a true copy of the agreement.
- (b) As exhibit 2, if the agreement pertains to a conference, bureau, committee, or other organization, a copy of the constitution, bylaws, or other documents or writings specifying the organization's powers, duties, and procedures, unless incorporated in the agreement filed as exhibit 1.
- (c) As exhibit 3, if the agreement relates to a conference, bureau, committee, or other organization, an organization chart.
- (d) As exhibit 4, if the agreement relates to a conference, bureau, committee, or other organization, a schedule of its dues and charges to members or, where expenses are divided among the members, a statement showing how the expenses are divided.
- (e) As exhibit 5, a verified statement from each motor carrier which is a party to the agreement specifying all of the following information:
  - (i) The name, mailing address, and telephone number of each motor carrier's principal place of business.
  - (ii) The names and addresses of each of the motor carrier's affiliates.
  - (iii) The names, addresses, and affiliates of each of the motor carrier's officers and directors.
  - (iv) The names, addresses, and affiliates of each person who, together with an affiliate owning or controlling any debt, equity, or security interest in the motor carrier, has an interest valued at not less than \$100.00.

History: 1984 AACS.

R 460.19008 Procedure governing execution, filing, and disposition of application for authority to establish agreement.

Rule 1008. The following procedure shall govern the execution, filing, and disposition of the application for authority to establish an agreement:

- (a) The original application shall be made under oath and shall be signed in ink by the applicant, if an individual; by all partners, if a partnership; and, if a corporation, by an executive officer having knowledge of the matters therein contained; and shall show, among other things, that the affiant is duly authorized to verify and file the application.
- (b) The original application and supporting papers and 6 copies shall be filed with the commission. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed, and the corporate seal may be omitted.
- (c) To the extent that matters of procedure are not covered by these special rules, the commission's general rules of practice shall apply.

History: 1984 AACS.

R 460.19009 New parties to agreement.

Rule 1009. When a carrier becomes a party to an agreement which has been approved by the commission, such approval shall extend and be applicable to such carrier upon the filing with the commission by the carrier or its authorized agent of a verified statement that it has become a party to the agreement, which statement shall show the information required by R 460.19002, if both of the following provisions are complied with:

- (a) Such carrier is not, under the agreement, to act with carriers of a different mode, except as the agreement relates to transportation under joint rates or over through routes.

(b) A change is not made in the agreement, except for the addition of such carrier.

History: 1984 AACS.

R 460.19010 Complaints.

Rule 1010. (1) Any person who believes that an agreement approved by the commission, or any term or condition upon which the approval was granted, is not in furtherance of the transportation policy set forth in the act or who believes that any term or condition is unnecessary for the purposes of conformity with that policy may file a complaint.

(2) The commission shall, upon complaint or upon its own initiative, investigate activities which might not be in conformity with part 10 of these rules.

(3) If the commission finds that the agreement does not conform with the policy set forth in article I of the act, it shall issue an order terminating or modifying its approval of the agreement or the terms and conditions of the approval.

History: 1984 AACS.

R 460.19011 Accounts.

Rule 1011. Accounts shall be kept by each conference, bureau, committee, or organization to record all receipts and expenditures of moneys. Such accounts shall be kept with sufficient particularity to show the facts pertaining to all transactions reflected in the entries made in the accounts. All receipts shall be supported by records, including records showing the basis for charges to members. All disbursements shall be supported by vouchers, payrolls, canceled checks, and other evidences of expenditures, including the basis for any apportionment of expense items to members.

History: 1984 AACS.

R 460.19012 Other records.

Rule 1012. (1) Each conference, bureau, committee, or organization shall maintain the following:

(a) A file for each proposal relating to rates; classifications; divisions; allowances; or charges, including charges between carriers and compensation paid or received for the use of facilities and equipment; or rules and regulations. The file shall contain all of the following:

(i) The complete proposal.

(ii) All procedural documents issued.

(iii) Protests, memoranda, amendments, reports, and other relevant documents submitted and any other correspondence respecting the matter proposed.

(iv) Reports or minutes of all proceedings at any committee or public meeting held concerning a proposal and the determination relating to a proposal.

(b) A file covering each instruction or request for publication by independent action.

(2) All accounts and other records covered by R 460.19002 to R 460.19009 shall be filed in such manner as to be readily accessible for examination by representatives of the commission.

(3) All rate bureaus are required to advise the commission of any change in address of its principal place of business.

History: 1984 AACS.

R 460.19013 Retention of records.

Rule 1013. Each conference, bureau, committee, or organization shall retain records or documents relating to its transactions or activities as follows:

(a) Each conference, bureau, committee, or organization shall appoint an officer or other responsible employee to supervise the preservation and authorized destruction of records. Such appointment shall be by formal corporate act of the board of directors or its executive committee or, if the company is

not incorporated, by formal designation of the owners. Designation may be made by title only, rather than by name and title.

(b) Photographic copies shall comply with all of the following provisions:

(i) Any record may be transferred to nonerasable microfilm, including, but not limited to, microfiche, computer output microfilm, and aperture cards, at any time.

(ii) Microfilm records shall be indexed and retained in such a manner as will render them readily accessible, and the company shall have facilities available to locate, identify, and read the microfilm and reproduce in paper form.

(iii) Each roll of film or series of microfilm records shall include a microfilm of a certificate stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed regulations. Such a certificate shall be executed by a person having personal knowledge of the facts covered thereby.

History: 1984 AACS.

R 460.19014 Schedule of records and periods of retention.

Rule 1014. The following schedule prescribes periods that designated records shall be preserved:

(a) Corporate and general:

(i) All accounts and other records as described in R 460.19002, R 460.19003, R 460.19004, R 460.19005, R 460.19006, and R 460.19007 shall be retained for 8 years.

(ii) Legal documents relating to incorporation, reorganization, partnership, or other arrangements shall be retained permanently.

(iii) Minutes of meetings of directors, all committees, membership, and other meetings shall be retained permanently.

(b) Financial and accounting: Financial and accounting data utilized for establishment or justification of rates, classifications, divisions, allowances, or charges shall be retained for 8 years.

(c) Tariffs and rates:

(i) Official file copies of tariffs, classifications, and circulars relative to the transportation of property shall be retained for 3 years after expiration or cancellation.

(ii) All other copies of tariffs, classifications, and circulars referred to in R 460.19012(1)(a) shall be retained for 3 years after expiration or cancellation.

(iii) Copies of concurrences and powers of attorney filed with the commission and other regulating bodies shall be retained for 2 years after expiration or cancellation.

(iv) Correspondence and working papers in connection with the making of rates and compliance of tariffs, classifications, division sheets, and circulars affecting the transportation of property shall be retained for 8 years after cancellation of tariff.

(v) Contracts and rate schedules of contract motor carriers shall be retained for 3 years after expiration or cancellation.

History: 1984 AACS.

R 460.19016 Informal meetings prohibited; chance meetings.

Rule 1016. Informal meetings held in advance of formal meetings for purposes of determining what will be decided formally are prohibited. Chance or social meetings which are not designed to avoid the act and these rules and at which a quorum may be present are not included in the definition of "meeting."

History: 1984 AACS.

R 460.19018 Meetings; requirements regarding public; attending and addressing meetings; exclusion.

Rule 1018. (1) All meetings, as defined in R 460.19001(b), shall be open to the public and all persons shall be allowed to attend.



(2) Members of the public shall be allowed to address a meeting under such rules and conditions as shall be established by the conference, bureau, committee, or organization in its constitution, bylaws, or other documents or writings specifying the organization's powers, duties, and procedures. The rules shall be reasonable, flexible, and designed to encourage, and not to discourage or prohibit, public expression.

(3) A member of the public shall not be required as a condition of attendance at a meeting to provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

(4) A portion of the agenda shall be set aside for public comment by persons who have not made it known ahead of time that they wish to address the conference, bureau, committee, or organization.

(5) The rules regulating the right of public address may include such controls as the length of time any 1 person may be permitted to address the conference, bureau, committee, or organization, and a requirement that persons wishing to address the conference, bureau, committee, or organization identify themselves and make it known ahead of time that they wish to address the conference, bureau, committee, or organization in order to facilitate the planning of time allotments to various portions of the agenda.

(6) A member of the public shall not be excluded from a meeting, except for a breach of the peace actually committed at the meeting.

History: 1984 AACCS.

#### R 460.19019 Meetings; posting of notice.

Rule 1019. Notice of meetings shall be posted as follows:

(a) Not less than 8 business days before the date of the meeting, notice shall be posted at the commission and at the principal place of business of the conference, bureau, committee, or organization. Notice shall also be published in the biweekly information bulletin to the maximum extent practicable.

(b) If the conference, bureau, committee, or organization does not have a principal place of business, it shall post notice both in the office or offices of the county clerk or clerks of the counties in which its members do business and in which its members serve and in the office of the secretary of state.

(c) A conference, bureau, committee, or organization may also post notice at any other location that it considers appropriate.

(d) Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost of printing, handling, and postage for its notices, a conference, bureau, committee, or organization shall send to the requesting party, by first-class mail, a copy of any notice required to be posted by this rule.

(e) If a conference, bureau, committee, or organization conducts regularly scheduled meetings, notice shall be posted in the same manner as provided in subdivisions (a) to (d) of this rule within 10 days after its first meeting following the promulgation of these rules, stating the dates, times, and places of its regular meeting for its calendar or fiscal year. Notice shall be posted for each calendar or fiscal year and this notice shall be in addition to that required by subdivisions (a) to (d) of this rule.

(f) For a rescheduled regular or a special meeting of a conference, bureau, committee, or organization, a public notice stating the date, time, and place of the meeting shall be posted in the manner described in subdivisions (a) to (d) of this rule, except that 18 hours' notice is required.

(g) A meeting of a conference, bureau, committee, or organization that is recessed for more than 36 hours shall be reconvened only after public notice that is equivalent to that required for original notice.

History: 1984 AACCS; 1988 AACCS.

#### R 460.19020 Notice; contents.

Rule 1020. The notice required by R 460.19019 shall contain all of the following information:

(a) The name, address, and telephone number of the conference, bureau, committee, or organization.

(b) The date, time, and place of the meeting.

(c) A statement that the meeting is open to the public.

History: 1984 AACS.

R 460.19021 Minutes generally.

Rule 1021. (1) Each conference, bureau, committee, or organization shall keep minutes of each meeting which show all of the following information:

- (a) The date, time, and place.
- (b) Members present.
- (c) Members absent.
- (d) Any decisions made.
- (e) All roll call votes taken regarding rates, charges, or tariff items.

(2) Minutes shall be open to public inspection and shall be available at the address designated on public notices posted pursuant to R 460.19019. Copies of the minutes shall be available to the public at the reasonable estimated cost for printing and copying.

(3) Proposed minutes shall be available for public inspection not more than 8 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 business days after the meeting at which the minutes are approved by the conference, bureau, committee, or organization.

(4) Copies of minutes shall be submitted to the commission not more than 7 business days after the meeting to which the minutes refer.

(5) Copies of approved minutes, where different from the proposed minutes, shall be submitted to the commission not more than 8 business days after they are approved.

History: 1984 AACS.

R 460.19022 Meetings for purposes other than discussion of tariffs, rates, or charges; minutes.

Rule 1022. Minutes of meetings convened for purposes other than discussing, deliberating toward, or rendering a decision on, motor carrier tariffs, rates, or charges shall be maintained by the conference, bureau, committee, or organization for 1 year after the meeting.

History: 1984 AACS.

## PART 11. INSURANCE

R 460.19101 Insurance; liability of third persons.

Rule 1101. All carriers shall secure and keep in force a public liability and property damage insurance policy for the protection of persons. The minimum amounts of the policy shall be as follows:

### FREIGHT VEHICLES OF 10,000 LBS. OR MORE GVW

Commodity transported	Single limit required
Non-hazardous	\$500,000.00
Hazardous material	\$1,000,000.00

### FREIGHT VEHICLES UNDER 10,000 LBS. GVW

One person liability	All persons liability	Property damage	Hazardous material
\$100,000.00	\$300,000.00	\$50,000.00	\$1,000,000.00

History: 1984 AACS.

R 460.19102 Cargo insurance.

Rule 1102. A carrier, except a contract carrier, shall secure and keep in force cargo insurance in an amount sufficient to cover and protect all property received by it for transportation to the extent that the carrier is liable under any law applicable to it. This rule does not apply to transportation of the following commodities:

- (a) Agricultural ammonium nitrate.
- (b) Agricultural nitrate of soda.
- (c) Anhydrous ammonia used as a fertilizer only.
- (d) Bituminous concrete, also known as "blacktop" or "amosite," including mixtures of asphalt paving.
- (e) Brick.
- (f) Cement, dry, in containers or in bulk.
- (g) Cement building blocks.
- (h) Charcoal.
- (i) Chemical fertilizer.
- (j) Cinder blocks.
- (k) Coal.
- (l) Coke.
- (m) Commercial fertilizer.
- (n) Concrete materials and added mixtures.
- (o) Corn cobs.
- (p) Cottonseed hulls.
- (q) Crushed stone.
- (r) Cut flowers.
- (s) Drilling salt.
- (t) Dry fertilizer.
- (u) Fish scrap.
- (v) Fly ash.
- (w) Forest products, such as logs, billets, bolts, native woods, Canadian wood, Mexican pine, pulpwood, fuel wood, wood kindling, and wood sawdust or shavings (shingle tow) other than jewelers' or paraffined.
- (x) Foundry and factory sweepings.
- (y) Garbage.
- (z) Gravel, other than bird gravel.
- (aa) Hardwood and parquet flooring.
- (bb) Haydite.
- (cc) Highway construction materials when transported in dump trucks and unloaded at a destination by dumping.
- (dd) Ice.
- (ee) Iron ore.
- (ff) Lime and limestone.
- (gg) Liquid fertilizer solutions, in bulk, in tank vehicles.
- (hh) Lumber.
- (ii) Meat scraps.
- (jj) Mud drilling salt.
- (kk) Ores in bulk, including ore concentrates.
- (ll) Pallets and pallet stock.
- (mm) Paving materials, unless they contain oil hauled in tank vehicles.
- (nn) Peat moss.
- (oo) Peeler cores.
- (pp) Plywood.
- (qq) Poles and piling, other than totem poles.
- (rr) Potash used as commercial fertilizer.
- (ss) Pumice stone, in bulk in dump vehicles.
- (tt) Rubbish.
- (uu) Salt in bulk or in bags.

(vv) Sand, other than asbestos, birl, iron, monazite, processed, or tobacco sand.  
(ww) Sawdust.  
(xx) Scoria stone.  
(yy) Scrap iron.  
(zz) Scrap steel.  
(aaa) Slag, other than slag with commercial value for the further extraction of metals.  
(bbb) Slag, derived aggregates-cinders.  
(ccc) Slate, crushed or scrap.  
(ddd) Soil, earth, or marl, other than infusorial, diatomaceous, tripoli, or inoculated soil or earth.  
(eee) Stone, unglazed and unmanufactured, including ground agricultural limestone.  
(fff) Sugar beet pulp.  
(ggg) Sugar beets.  
(hhh) Sulfate of ammonia, in bulk, used as fertilizer.  
(iii) Surfactants.  
(jjj) Trap rock.  
(kkk) Treated poles.  
(lll) Veneer.  
(mmm) Volcanic scoria.  
(nnn) Waste, hazardous and nonhazardous, transported solely for purposes of disposal.  
(ooo) Water, other than mineral or prepared water.  
(ppp) Wood chips, not processed.  
(qqq) Wooden pallets, unassembled.  
(rrr) Wrecked or disabled motor vehicles.  
(sss) Other materials or commodities of low value, upon specific application to and approval by the commission.

History: 1984 AACS; 1988 AACS.

R 460.19103 Certificates of insurance.

Rule 1103. Each certificate of insurance shall be filed with the commission and shall be for the full limits of liability required under R 460.19102.

History: 1984 AACS.

R 460.19104 Uniform endorsements.

Rule 1104. An insurer of motor carriers shall attach to, and make part of, each policy issued by it to cover obligations imposed upon motor carriers by the act the uniform endorsements on forms approved or provided by the commission for cargo insurance policies and for public liability and property damage policies.

History: 1984 AACS; 1988 AACS.

R 460.19105 Authentication of policies.

Rule 1105. A policy required to be filed with the commission and the endorsements attached to it shall be signed by an authorized agent of the issuing insurance company. The filed policy shall be a certified copy of the policy delivered to the insured.

History: 1984 AACS; 1988 AACS.

R 460.19106 Self-insurance.

Rule 1106. (1) Application, upon forms prescribed by the commission, may be filed by a motor carrier of property for authority to qualify as a self-insurer. The application may be approved in amounts not

lower than those prescribed in R 460.19102 if the applicant has furnished a true and accurate statement of its financial condition, and any other evidence deemed necessary to adequately protect the public, which establishes, to the satisfaction of the commission, the ability of the motor carrier to satisfy contingent obligations for personal injury, public liability, property damage, or cargo liability without affecting the stability or permanency of the business of the motor carrier. Appropriate approval to self-insure shall be in lieu of an insurance policy and satisfy the rules of the commission which are otherwise applicable. The commission may require a hearing.

(2) A carrier with authority to self-insure shall furnish the commission additional statements of financial condition and other information when required by the commission.

History: 1984 AACS.

## PART 12. RATES AND TARIFFS

R 460.19201 Definitions.

Rule 1201. As used in this part:

(a) "Agent" means a person or corporation duly authorized by a carrier to publish rates and provisions for that carrier's account in tariffs published in the name of the agent.

(b) "Aggregate" means the net rate or charge increases or decreases of the carrier filing the proposed rate change within the year since the effective date of the proposed rate.

(c) "Amendment" means any change, including additions, in a tariff or cancellation from a tariff.

(d) "Capital structure ratio" means the sum of a carrier's debt due after 1 year divided by shareholder's equity plus the debt due after 1 year.

(e) "Classification" means any publication approved by the commission containing a list of articles or commodities and the classes or ratings to which they are assigned for the purpose of applying class rates, together with governing rules and regulations.

(f) "Class rate" means a rate which applies on any 1 or more of various articles according to the class or rating to which they are assigned in a classification or tariff of exceptions thereto or in the class rate tariff.

(g) "Commodities" means merchandise which is transported by a motor carrier for hire.

(h) "Commodity rate" means a rate published to apply to a commodity or commodities which are specifically named or described in the tariff in which the rate is published or in a separate commodity list. "Commodity tariffs" are those which contain commodity rates.

(i) "Compensatory rate" means a rate that provides sufficient revenue for the performance of motor carrier service such that, at minimum, all variable costs are covered and some contribution is made toward fixed costs.

(j) "Competitive rate," as used in the context of a competitive rate filing, means an existing rate which covers the same commodities and territory as another carrier and which is on file with the commission and is in effect.

(k) "Competitive rate proposal" means a carrier proposal filed under section 7 of article II of the act.

(l) "Cost evidence" means those financial schedules, statements, and reports which are submitted to the commission in supportive justification of a proposed freight rate increase or decrease.

(m) "Current ratio" means current assets divided by current liabilities.

(n) "Expense ratio" means the sum of expenses plus interest on long-term debt divided by revenue.

(o) "Expenses" means those financial charges or costs incurred for hire upon the public highways of, and between points within, the state of Michigan.

(p) "Financial schedules, statements, and reports" means evidence presented in the form of charts, balance sheets, ledgers, graphs, tables, computer printouts, or narrative account which serves to illustrate, explain, justify, and identify the revenues and expenditures realized by a particular motor carrier operation.

(q) "Fixed or constant costs" means those costs which do not change as a result of changes in the volume of business.

(r) "Foreseeable future cost" means a new cost, an increase or decrease in wage-related costs, a non-labor expense, or a cost attributable to fuel and fuel-related expenses. These costs shall not be merely speculative, but shall have a high probability of occurring within a period of time not longer than 6 months from the effective date of the rate proposal to which foreseeable future costs are applied.

(s) "Fully allocated costs" means total costs, including variable costs plus an allocation of fixed costs.

(t) "General rate" means a rate applicable to 2 or more motor carriers, which rate is filed pursuant to section 6(b) of article V of the act.

(u) "General rate filing" means a proposal filed by a group of carriers collectively to obtain an overall rate increase or decrease, also known as a "revenue need filing."

(v) "Highway form" means a financial schedule comprised of a cost formula by which the development of certain costs incurred in operating a motor carrier operation may be determined.

(w) "Independent rate filing" means a carrier filing representing a rate adjustment or other tariff adjustments for application only for the proponent.

(x) "Item" means a tariff provision of any kind bearing an item number designation.

(y) "Joint rate" means a rate which applies over the lines or routes of 2 or more carriers, which is made by arrangement or agreement between such carriers, and which is evidenced by concurrence or power of attorney. "Joint tariffs" are those which contain joint rates.

(z) "Labor expenses" means charges or costs incurred by a motor carrier enterprise in payment for all wages and expenses incidental to employment.

(aa) "Local rate" means a rate that applies over the line or routes of 1 carrier only. "Local tariffs" are those which contain local rates.

(bb) "Long-term debt" means debt due after 1 year.

(cc) "Loose-leaf tariff" means a tariff, not a bound tariff, consisting of loose-leaf pages.

(dd) "MPSC" includes other MPSC tariff identifications which the commission recognizes, including those utilizing the consecutive numbering system or the alpha code system.

(ee) "MPSC identification designation" means the application of 1 of the tariff identification systems allowed under R 460.19232 used to identify tariffs filed with the commission.

(ff) "Operating ratio" means the quotient of a carrier's operating expenses divided by its operating revenues.

(gg) "Post" refers to the maintenance of a file of tariffs which the public may inspect.

(hh) "Predatory rate" means a rate which is below its fully allocated cost. Fully allocated costs are total costs, including variable costs plus an allocation of fixed costs.

(ii) "Producer price index" means the producer price index of industrial commodities, less fuels and related products and power, as published by and available from the United States Department of Labor, Bureau of Labor Statistics, Washington, D.C. 20212.

(jj) "Publication instruction" means a request by a carrier to a publishing agent to establish a rate or rules before publication in a tariff to be filed with the commission.

(kk) "Rate proposal" means a formal request made under the collective rate system to establish a rate or rule before publication in a tariff to be filed with the commission.

(ll) "Rate structure" means the entire system of pricing established by a motor carrier for the transportation of property for hire.

(mm) "Return on transportation investment" means that formula used to determine the amount of income a carrier is receiving as compared to the carrier's investment.

(nn) "Revenue need" means the demonstrated need of a motor carrier for a change in those charges assessed upon shippers for the transportation of property for hire.

(oo) "Statutory notice" means 30 days' notice or 45 days' notice, as the case may be, as set forth in the act.

(pp) "Supplement" means a publication, indicated as a supplement, consisting of a single sheet, or 2 or more sheets bound at the left edge in pamphlet or book form, issued to amend or cancel the tariff.

(qq) "Tariff" means a publication containing 1 or more rates, charges, classification ratings, rules, regulations, or other provisions, or any combination thereof, of 1 or more carriers, together with its supplements or loose-leaf page amendments thereto, if any.

(rr) "Through rate" means the total rate from point of origin to destination. It may be a local rate, a joint rate, or a combination of separately established rates.

(ss) "Total operating revenue" means the principal credit account recording the income derived by a transportation company directly or indirectly from the service of transporting freight, mail express, and other services incidental to the general business of transportation. For purposes of this definition, income indirectly derived shall include that income derived from revenues incidental to motor carrier operations.

(tt) "Variable costs" means those business-related costs which vary with changes in the volume of business.

(uu) "Zone of reasonableness rate filing" means a carrier rate increase or decrease filed under the provisions of section 7a(1) of article II of the act.

History: 1984 AACS.

R 460.19202 Necessity for nonpredatory rates.

Rule 1202. (1) Following the granting of a new authority, but before the issuance of the certificate which authorizes commencement of operations, the commission shall determine that the rates charged under the new authority are nonpredatory.

(2) A rate that is filed which is the same or higher than an existing rate covering substantially the same commodities and the same territory as another carrier which is on file with the commission and is in effect for not more than 36 months, or under which traffic has actually been transported within the prior 12 months, is presumed to be nonpredatory.

History: 1984 AACS.

R 460.19203 Competitive rates; filing procedure.

Rule 1203. (1) Notwithstanding any other provisions in these rules, a motor carrier may file a competitive rate by filing information, in the form and manner determined by the commission, to demonstrate that the carrier's proposed rate is the same as or higher than an existing rate covering substantially the same commodities and the same territory as another carrier that is on file and in effect with the commission for not more than 36 months, or under which traffic has actually been transported within the prior 12 months.

(2) The information provided in the transmittal letter shall include a reference to the competing tariff authority.

(3) The transmittal letter shall also include a statement that the rate is a competitive rate being filed pursuant to section 7 of article II of the act.

(4) Waiver of the required 30 days' statutory notice contained in section 6a(1) of article V of the act may be obtained from the commission by special permission for good cause shown.

History: 1984 AACS; 1988 AACS.

R 460.19204 Zone of reasonableness filings; adjustment; publication of index factors; filing procedures.

Rule 1204. (1) The commission may, by order, adjust the 10% zone of reasonableness percentage by up to 5 percentage points during any 1-year period if it finds that there is sufficient actual and potential competition to regulate rates, and that such increase or decrease will benefit motor carriers, shippers, and the public.

(2) The index factors utilized shall be published in the biweekly bulletin issued by the commission.

(3) The transmittal letter of a motor carrier filing a zone of reasonableness rate filing shall include all of the following information:

(a) A statement that the carrier's filing is to be considered pursuant to section 7a of article II of the act.

(b) A statement that the rate or charge is the result of independent action on the part of the carrier proposing the change.

(c) A statement indicating the percentage of the increase or decrease, and that the aggregate of increase or decrease on like traffic in effect 1 year before the effective date of the proposed change is not more than 10% plus any other adjustments which may be permitted by the commission, statute, or rule.

(d) A statement indicating that the producer price index was utilized to compute the zone of reasonableness.

(4) The information required in subrule (3) of this rule shall be provided in the form and manner requested by the commission.

History: 1984 AACS.

#### RATE JUSTIFICATION

R 460.19205 General rate filings; accompanying statements or schedules.

Rule 1205. (1) A general rate filing filed with the commission by 2 or more motor carriers shall be accompanied by detailed statements or schedules of their revenues and expenditures in the form, and according to the directions, that the commission may prescribe.

(2) The statements or schedules shall indicate and specify changes, and the extent of those changes, in the incurred costs cited by a carrier as justification for the rate proposal.

(3) A sworn statement attesting to the validity of cost evidence shall be included with the general rate filing.

(4) Motor carriers submitting a cost evidence filing to the commission shall prepare a sworn statement attesting that the evidence is true and accurate to the best of their knowledge. The sworn statement shall be signed and sworn before a notary public and shall be submitted simultaneously with any cost evidence filed with the commission. The sworn statement of the motor carriers filing cost evidence pursuant to a general rate filing shall be prepared in the manner and form as set forth in R 460.19301(3).

History: 1984 AACS.

R 460.19206 Local rate tariffs; filing requirements.

Rule 1206. A motor carrier filing a local rate tariff may be required to submit evidence of the revenues and expenses realized in the performance of its authorized functions. This requirement shall not apply to a competitive filing, a zone of reasonableness filing, a filing that is accompanied by a statement of support from the party responsible for the payment of the affected rates that is acceptable to the commission, or a filing under contract authority unless the carrier also possesses similar or duplicate common carrier authority.

History: 1984 AACS; 1988 AACS.

R 460.19207 Petition for introduction of new evidence.

Rule 1207. When petitioning for the introduction of new evidence to be cited in a cost evidence filing, a petitioner shall submit a formal written statement explaining the reason for the evidence having not been previously submitted.

History: 1984 AACS.

R 460.19209 Statements by shippers supporting motor carrier's rate adjustment.

Rule 1209. (1) A shipper that conducts operations within the certificated route pattern served by a motor carrier may file evidence in support of the revenue need filing for that motor carrier.

(2) Evidence in support of the general rate filing submitted by a shipper with the commission shall be true and accurate to the best of the filing party's knowledge.



(3) Supportive evidence shall be attested to by a written sworn statement. The sworn statement shall be signed and sworn before a notary public and shall be submitted simultaneously with the supportive evidence filings to the commission.

History: 1984 AACS.

R 460.19210 Sworn statement of authorized representation.

Rule 1210. (1) An agent representing a motor carrier who files a tariff, or any other supplemental information as referred to in these rules, and that has been charged with the responsibility for preparing cost evidence filings by a motor carrier, shall prepare and submit a sworn statement of authorized representation to the commission.

(2) The sworn statement of authorized representation shall be submitted with the represented carrier's cost evidence filings and shall contain all of the following:

- (a) The name of the filing agent.
- (b) The domicile of the filing agent.
- (c) The signature of the filing agent.

(3) The signature of an agent responsible for the preparation of a cost evidence filing shall serve as a statement of record that the agent is the authorized representative of the carrier and that the cost evidence filings are accurate and true to the best of the agent's knowledge.

History: 1984 AACS.

R 460.19211 Notice of local or general rate filings and petitions for modification of rate orders.

Rule 1211. (1) Each local or general rate filing shall be published in the commission's biweekly information bulletin.

(2) Petitions regarding modification of rate orders shall be published in the biweekly information bulletin within 30 days of the filing of the completed petition.

(3) The commission may require carriers filing a rate adjustment to furnish known interested shippers with a copy of the justification statement and to furnish the commission with a list of those shippers immediately upon submission of the rate adjustment.

(4) Carriers shall furnish copies of the rate proposal to other interested parties upon their request.

History: 1984 AACS; 1988 AACS.

R 460.19212 Timeliness of filing.

Rule 1212. Except upon a commission finding of extenuating and unforeseen circumstances under which compliance with the cost evidence filing requirements of the commission would constitute an unfair and unreasonable burden upon the carrier, to the extent that the carrier would suffer an undue hardship in complying with the commission's cost evidence filing requirements by the date designated by the commission, a motor carrier shall be required to submit those financial schedules or statements within the time designated by the commission.

History: 1984 AACS.

R 460.19213 Financial and cost criteria.

Rule 1213. (1) In determining the revenue need of a motor carrier or carriers pursuant to a cost evidence evaluation, the commission may require the carrier or carriers to prepare and submit information pertaining to any of the following:

- (a) Return on equity.
- (b) Return on transportation investment.
- (c) Operating ratio.
- (d) Expense ratio.

- (e) Current ratio.
  - (f) Capital structure ratio.
  - (g) Any other reasonable cost center criteria that may be useful to the commission in assessing the financial structure and needs of the motor carrier operations.
- (2) The commission may reject the cost evidence filings of a motor carrier when it determines that there is reason to believe that the filings do not sufficiently provide that information which may be deemed necessary for the accurate review and determination of the carrier's financial structure.

History: 1984 AACS.

R 460.19214 Labor expenses.

Rule 1214. (1) The labor costs presented in the cost evidence filings of a motor carrier which are submitted to the commission pursuant to a rate filing shall be separated into the following cost categories:

- (a) Union employees.
  - (b) Nonunion employees.
  - (c) Managers and executives.
  - (d) Drivers, helpers, dockhands, and others.
- (2) Labor cost changes may be cited by a motor carrier in cost evidence filings as expenses which may justify a rate increase or decrease.

History: 1984 AACS.

R 460.19215 Taxes.

Rule 1215. Costs incurred pursuant to the payment of any municipal, county, state, or federal income taxes or any penalties, judgments, liens, or assessments levied thereon shall not be included in a cost evidence filing as costs which justify a revenue need filing.

History: 1984 AACS.

R 460.19216 Economic indicators.

Rule 1216. (1) When calculating an increase filed as an adjustment for increased operating expenses due to non-labor inflationary trends, a motor carrier may use the producer price index in addition to, or in conjunction with, any other appropriate economic indicators to estimate future foreseeable costs.

(2) Where projection of future foreseeable costs is made, the future period covered shall not extend beyond 6 months after the effective date of the rate filing.

History: 1984 AACS.

R 460.19217 Empirical financial data.

Rule 1217. (1) All empirical financial data or schedules describing the financial condition of a carrier or carriers shall reflect the most current financial data or schedules available. Empirical data are data based upon observation or experience as opposed to data derived from theory. As used in this rule, "current financial data" includes all revenues and expenses realized within a 12-month period before the date of filing, or within any other reasonable period of time deemed appropriate by the commission.

(2) Information taken from all financial schedules and reports used in the calculation of financial ratios shall be taken from a common closing date for the accumulation of that information.

History: 1984 AACS; 1988 AACS.

R 460.19218 Calculation of return on transportation investment.

Rule 1218. When calculating the return on transportation investment, the base income subject to calculation shall not include income paid out in taxes or interest, but shall include the total working capital provided by investors and debt financiers as follows:

$$\text{Return on investment in} = \frac{\text{Net carrier operating income/ transportation property}}{\text{Average net carrier operating property plus current assets minus current liabilities}}$$

History: 1984 AACS.

R 460.19219 Calculation of return on equity.

Rule 1219. Return on equity is calculated as follows:

$$\text{Return on equity} = \frac{\text{Net income after taxes}}{\text{Average equity}}$$

History: 1984 AACS.

R 460.19220 Calculation of operating ratio.

Rule 1220. The operating ratio is calculated as follows:

$$\text{Operating ratio} = \frac{\text{Operating expenses, not including interest or tax expenses}}{\text{Operating revenues}}$$

History: 1984 AACS.

R 460.19221 Calculation of expense ratio.

Rule 1221. The expense ratio is calculated as follows:

$$\text{Expense ratio} = \frac{\text{Operating expenses plus interest on long-term debt}}{\text{Operating revenues}}$$

History: 1984 AACS.

R 460.19222 Calculation of current ratio.

Rule 1222. The current ratio is calculated as follows:

$$\text{Current ratio} = \frac{\text{Current assets, year-end}}{\text{Current liabilities, year-end}}$$

History: 1984 AACS.

R 460.19223 Calculation of capital structure ratio.

Rule 1223. The capital structure ratio is calculated as follows:

$$\text{Capital structure ratio} = \frac{\text{Long-term debt}}{\text{Long-term debt plus shareholders equity minus intangibles}}$$

History: 1984 AACS.

R 460.19224 Additional cost evidence from carriers.

Rule 1224. (1) A motor carrier that believes that the standards of cost evidence do not provide for a complete or fair analysis of its financial operations may submit any additional data or information that may be deemed necessary to explain its financial operations to the commission.

(2) Additional data or information may be submitted in the form of fiscal schedules, statements, or reports as may be deemed necessary to sufficiently clarify the carrier's financial operations for the commission.

History: 1984 AACS.

R 460.19225 Corrections and addenda to original filings.

Rule 1225. Cost evidence which is filed in correction of, or as an addition to, those schedules, reports, or statements originally filed pursuant to a rate filing submitted to the commission shall be filed not later than 5 days after notice has been given of the receipt of the original filings by the commission or any other reasonable period of time as may be determined by the commission.

History: 1984 AACS.

R 460.19226 Unreasonable rate adjustments.

Rule 1226. A rate adjustment submitted by a motor carrier in a cost evidence proceeding shall be considered unreasonable under any of the following circumstances:

- (a) It does not conform to the specifications contained in these rules.
- (b) It is in excess of the rate required by the carrier to assure adequate and safe service and a fair opportunity to realize a return on transportation investment and to maintain a reasonable operating ratio.
- (c) It fails to provide service to shippers within a carrier's certificated authority at fair and reasonably compensatory rates.

History: 1984 AACS.

R 460.19227 Random or routine compliance audit procedures.

Rule 1227. (1) The commission shall notify those carriers selected for audit of the designated day or days upon which their company will be audited. This notice shall be given not less than 72 hours in advance of the scheduled audit.

(2) The commission shall also advise those carriers selected for audit of the purpose of the audit, and shall specifically inform the carriers of the information that will be required by the commission for the purpose of conducting the proposed audit.

History: 1984 AACS.

R 460.19228 Minimum rate, practice, or rule.

Rule 1228. (1) Upon a finding that a rate, practice, or rule related to a rate or the value of service under it of a motor contract carrier violates the act, the commission may, by order, prescribe a minimum rate, practice, or rule.

(2) Action to prescribe the rate, practice, or rule may be initiated upon complaint or may be initiated by the commission.

(3) In prescribing the minimum rate, practice, or rule, the commission shall consider the cost of the transportation provided by the motor contract carrier, the effect of a prescribed minimum rate, practice, or rule on the movement of traffic by that carrier, and any other matter the commission considers necessary.

(4) In prescribing the rate, the commission shall not give a motor contract carrier an advantage or preference in competition with a motor common carrier if an advantage or preference is unreasonable or inconsistent with the public interest.

History: 1984 AACCS.

## TARIFF COMPILATION

R 460.19229 Tariff filings; physical form.

Rule 1229. (1) All motor carriers shall file tariffs. All tariffs and supplements thereto shall be in book, pamphlet, or loose-leaf form, the size of which shall be 8-1/2 by 11 inches, and shall be plainly machine printed by typewriter, computer, or prepared by other durable process on paper of good quality. Tariffs or supplements applicable to both interstate and intrastate filings may be on paper which is 8 by 11 inches.

(2) All tariffs and supplements thereto which are filed and posted shall be clearly legible.

History: 1984 AACCS.

R 460.19230 Arrangement.

Rule 1230. Tariffs shall be arranged in the following manner:

- (a) Title page, as set forth in R 460.19231.
- (b) All rules and regulations governing the transportation of freight, as set forth in R 460.19234.
- (c) Origins and destinations, as set forth in R 460.19233.
- (d) Rates and charges, as set forth in R 460.19235.
- (e) Explanation of abbreviations and reference marks.

History: 1984 AACCS.

R 460.19231 Title page.

Rule 1231. The title page of every tariff shall be arranged as set forth in R 460.19301(6). In addition, all of the following provisions apply:

- (a) Every tariff shall bear an MPSC identification designation, as set forth in R 460.19232.
- (b) The title page shall show whether the tariff is local or joint, contains rules and regulations, or a combination of same, contains class, commodity, or a combination of these descriptions, or any other description which describes the contents of the tariff.
- (c) Except as otherwise provided elsewhere for agency tariffs, the name used on a tariff or other commission filing by an individual, partnership, firm, or corporation, as the case may be, shall be the same as shown on the certificate or permit issued by the commission.
- (d) The points from and to or between which, or the territory to which, the tariff applies shall be briefly stated.
- (e) Every tariff shall show an issuing and effective date, as set forth in R 460.19245.
- (f) Rates may be shown on the title page of single sheet tariffs if they are placed above the issuing and effective date.

History: 1984 AACCS.

R 460.19232 Tariff identification designation systems.

Rule 1232. (1) Every tariff filed with the commission shall bear an MPSC identification designation. Carriers or their agents may use either the consecutive numbering system or the alpha coding system, but not both systems, to establish such designations.

(2) The consecutive numbering system consists of the utilization of the characters "MPSC" or "MPSC CZ," as the case may be, followed by the number 1 where the carrier or agent has not previously filed a tariff with the commission, and by the next consecutive unused number in the carrier's or agent's series where a tariff has previously been filed with the commission. For example, if the last tariff filed with the commission by the carrier or agent was designated as "MPSC No. 10," the next tariff shall be designated as "MPSC No. 11."

(3) All of the following provisions apply to the alpha coding system:

(a) A motor carrier or its agent may apply the alpha code system in place of the consecutive numbering system. The motor carrier or agent code shall be assigned by the transportation industry. Only 1 code, consisting of a minimum of 2 and a maximum of 4 alphabetical characters, shall be assigned to each motor carrier or agent. A motor carrier or agent may request that it be assigned a specific code, regardless of whether or not one has previously been assigned, which shall be appropriate and not duplicate any other. To the greatest extent practicable, the first 2 letters of the requested code shall relate to the motor carrier's or agent's name. "A," "an," or "the" forming part of the name of the motor carrier or agent shall not be considered in establishing a code.

(b) There shall be on file with the commission in tariff form, and approved by the commission, a list of alphabetical codes and the names of the motor carriers or agents to which they are assigned. This tariff shall be amended every 3 months, if the list has changed during that period, to maintain it in an updated condition. The amendments shall amend the list to the extent of showing changes, additions, and cancellations. Partial amendments to the list may be shown in each supplement, and more than 1 partial amendment may be in effect at the same time. Only 1 tariff containing a list of codes may be in effect at one time.

(c) When utilizing the alpha code system, the MPSC identification designation shall be constructed by use of the characters "MPSC," followed by the motor carrier or agent assigned alpha code, followed by the assigned tariff number. For example, if the motor carrier or agent has been assigned the alpha code ABCD and has assigned the tariff number 2000, the MPSC identification designation would be "MPSC ABCD 2000."

(d) Assigned tariff numbers shall consist of 1 to 4 digits, with the first digit serving to identify the primary content or purpose of the tariff. When a tariff, because of the provisions it contains, could be construed as being of more than 1 type, the governing factor in assignment of the first digit shall be the category that represents the principal portion of the contents or that which signifies its primary purpose. Determination of the first digit is to be made pursuant to the following table:

First digit assigned number	Identified tariff content as being
1	Governing publication of all kinds, adoption notices.
2	Commodity rate tariffs.
3.	Combined class and commodity rate tariffs.
4.	Commodity column or distance rate tariffs.
5.	Class rate tariffs.
6.	Miscellaneous tariffs, those not included in any other category.

(e) The assigned tariff number shall remain the same from reissue to reissue of the tariff. A new tariff, not a reissue, shall not show a letter suffix following the assigned tariff number, and the first reissue of it shall show the letter suffix A, the next reissue B, and so on until Z, following which the letter suffix A will again be used and the process repeated. For example, the first reissue of a tariff whose identification designation was "MPSC ABCD 2000" would be "MPSC ABCD 2000-A."

(4) All of the following provisions apply to conversion from the consecutive numbering system to the alpha code system:

(a) Each motor carrier or agent shall obtain its alpha code from the transportation industry before converting to use of the alpha code system. A motor carrier or agent may elect to convert to the alpha

coding system as each tariff is reissued; as new, not reissue, tariffs are published; or through conversion of all tariffs at one time.

(b) If all existing tariffs are converted at one time, the notice of conversion in each tariff shall be made by special supplement. The supplement shall contain no other matter, shall not be cancelled, shall be considered exempt from the supplemental limitations for the life of the tariff involved, and shall be shown as a supplement to the old tariff.

(c) A loose-leaf tariff may only be changed to the alpha code system, without complete reissue, by issuance of a supplement, plus a revised title page, effective the same date as the supplement and upon the same notice, subject to the further condition that the new title page and each new or revised page issued thereafter shall show, in connection with the alpha coding system designation, the following phrase: "Formerly (here show the old MPSC identification designation)."

(d) Any reference in one tariff to another tariff by its old MPSC identification designation, after such referenced tariff has been reissued or converted using the alpha coding system, shall be corrected by publication or publications filed within 60 days of the effective date of the changed designation.

(e) When a motor carrier or agent obtains an alpha code and adopts the alpha coding system, it shall continue to use the system and file no new tariff using the consecutive numbering system. The designation of a tariff which employs the alpha code system shall not be changed.

(5) All of the following provisions apply to tariff references to previous filings:

(a) Any tariff referring to another tariff shall identify the other tariff by its MPSC identification designation.

(b) Any tariff which refers to another as a governing publication or otherwise, wherein the alpha coding system has been used to determine the MPSC identification designation, shall clearly spell out the name of the motor carrier or agent whose tariff it is, or under the explanation of abbreviations or other appropriate place in the tariff explain the code as to the name of the motor carrier or agent for which it stands. If the code is assigned to the tariff, the explanation shall clearly identify the tariff, including the name of the agent.

(c) Rejected tariffs shall not be referred to in any subsequent tariff as having been cancelled, amended, or withdrawn. The tariff which is published to replace the rejected tariff shall bear the following notation: "Issued in lieu of (here identify the rejected tariff), rejected by the commission."

(6) All of the following provisions apply to changes of motor carrier or agent control or name:

(a) A court-appointed receiver, trustee, executor, administrator, or assignee who assumes possession and operational control of a motor carrier's lines, whether in whole or in part, shall continue utilization of the motor carrier's tariff identification designation system.

(b) Where the name of a motor carrier is lawfully changed or the operating control of a motor carrier's properties is lawfully transferred in whole or in part, to another party under authority of an order of the commission, and the regulations in this part call for the filing of an adoption notice, the tariff identification designation system utilized by the new motor carrier shall be used on the adoption notice and on all subsequent original tariffs filed with the commission in the name of the new motor carrier.

(c) Where there is a change in the name of the motor carrier or agent without a change in ownership of the motor carrier or identity of an agent, selection and utilization of the tariff identification designation system shall be commenced as an original filing.

History: 1984 AACS.

R 460.19233 Origin and destination points.

Rule 1233. Each and every tariff filed with the commission which contains more than 6 points of origin and 6 points of destination shall show the names of the points or stops in the body of the tariff, alphabetically arranged. If there are not more than 6 points of origin and 6 points of destination, they may, if practicable, be shown on the title page, instead of listing them as specified in this rule. See R 460.19249(7).

History: 1984 AACS.

R 460.19234 Rules and regulations.

Rule 1234. All rules and regulations that affect to any degree the transportation service or charge, or both, shall be shown in the tariff in explicit terms. Further, the title of each rule and regulation shall be shown in bold type and the items in which each rule and regulation are published shall be numbered in ascending order, numbered consecutively or by increments; for example, item 5, 10, 15. If a tariff applies to contract carriage operations, the tariff shall conform, in all relevant provisions, to the contract on file with the commission.

History: 1984 AACS; 1988 AACS.

R 460.19235 Rates and charges.

- Rule 1235. (1) Rates or charges, or both, shall be shown in a plain, clear, and concise manner.
- (2) Rates may be named in cents or in dollars and cents per 100 pounds, per ton, per mile, per 100 gallons, per hour, per trip, or other defined measure.
- (3) Where rates are in stated amounts per package or bundle, definite specifications of a package or bundle shall be shown.
- (4) Rates are not to be published by rule, except upon special permission of the commission.
- (5) When a minimum weight is applicable or used in connection with a rate or rates, the minimum weight provision or rule shall be specifically stated in the tariff or specific reference shall be given to the MPSC number of the tariff that contains the minimum weight, rules, and regulations.
- (6) Ambiguous or misleading tariff plans or terms are not acceptable and are cause for rejection.
- (7) All rates and charges applicable to the transportation of freight between any and all points or stops on a carrier's route shall be shown.
- (8) If a carrier has through or joint rates in effect with another carrier, the rates shall be properly shown in the tariff, and a proper concurrence shall be issued by the concurring carrier, as set forth in R 460.19249.
- (9) Tariffs containing tables of rates based on the distance from point of origin to destination shall show the mileages, or acceptable substitute for mileages, for example, rate base numbers, and provide a definite method by which the distance shall be determined.
- (10) Tariffs of more than 10 pages shall contain a complete index of commodities, together with reference to the item, note, or page number, or both the note and page number, where the rates are located.
- (11) A conversion-type table or master tariff may be filed to any tariff to provide a general change in the level of all or substantially all of the rates or charges or all or substantially all of the rates or charges in a described category. Only 1 conversion may be in effect at one time and shall be filed with an expiration date not to exceed 12 months from the effective date. The conversion table or master tariff shall employ the columnar form of publication, naming each base rate or charge to be increased or reduced and, in direct connection therewith, the resulting applicable rate or charge. The supplement or conversion table shall be clear, explicit, and in simple terms and shall be free of conflict and ambiguity. If the conversion table or master tariff does not include all the tariff rates and charges to be changed, it shall provide a percentage formula or other basis for converting rates and charges which are higher than those shown or otherwise not shown in the conversion table or master tariff and shall provide a method of disposing of resulting fractions.

History: 1984 AACS.

R 460.19236 Loose-leaf tariffs.

Rule 1236. Loose-leaf tariffs may also be filed with this commission, as set forth in R 460.19247, subject to the following special requirements:

- (a) Pages of loose-leaf tariffs may be printed on 1 side or on both sides of the page and shall be consecutively numbered and designated as "original title page," "original page 1," "original page 2," and consecutively numbered thereafter.



(b) Every page shall show at the top thereof the name of the issuing carrier or agent, the page number, and the MPSC number of the tariff. At the bottom of the page shall be shown the date of issue, the effective date, and the name, title, and address of the issuing officer or agent.

History: 1984 AACS.

R 460.19237 Ruling of tables.

Rule 1237. When tables of rates, rate base numbers, charges, or numerals or letters for other purposes are used, the pages shall be vertically ruled in columns of sufficient width to accommodate the matter to be shown thereon, including reference marks, without crowding, or shall show equivalent blank spaces. At least 1 blank space or a ruled line shall appear after every sixth horizontal line of printed matter.

History: 1984 AACS.

R 460.19238 Conflicting rates.

Rule 1238. Carriers shall not publish tariffs containing a rate or rates, rules, or regulations which duplicate or conflict with any other rate or rates, rules, or regulations published in the same or any other tariff on file with the commission in which they participate.

History: 1984 AACS.

R 460.19239 Explanation of abbreviations or symbols.

Rule 1239. An explanation of all abbreviations, symbols, reference marks, and explanatory statements used in tariffs shall be in clear and explicit terms regarding the rates and rules contained therein as may be necessary to remove all doubt as to their proper application (see R 460.19247(9)) and shall be the last information shown in the tariff. The other pages of the tariff shall indicate the item or page number, or both, where the explanation of abbreviations will be found.

History: 1984 AACS.

R 460.19240 Pick-up and delivery service.

Rule 1240. It is to be understood that all rates include pick-up and delivery service. When an additional charge is made for the service, the charge shall be stated in the tariff or reference shall be made by MPSC number to the tariff where the charges can be found.

History: 1984 AACS.

R 460.19241 Class rate tariff.

Rule 1241. A class rate tariff shall provide all points between which the class rates are applicable together with their mileages or rate base numbers, as set forth in R 460.19235(9). The mileages or rate base numbers shall coincide with those used in connection with the class rate table.

This may be accomplished by combining the rate table, point list, and rate base numbers in 1 tariff or by separating one from another in more than 1 tariff. If the latter is used, specific reference to the tariffs containing the rates, points, or the rate base numbers, or both the points and rate base numbers, as the case may be, shall be shown in the governing publication's rule.

History: 1984 AACS.

R 460.19242 Alternate use of class and commodity rates.

Rule 1242. (1) Commodity rates are expected to produce lower charges than class rates on the same shipment for a shipment of identical articles, at the same weight, between the same points, over the same route and via the same carrier.

(2) The establishment of a commodity rate removes the application of the class rate for transportation of the same shipment, except when, and insofar as, alternate use of class rates and commodity rates is specifically provided in the tariff containing the commodity rates or in a tariff governed thereby. In that event, the following provisions shall be shown in the commodity tariff or governing publication on file with the commission:

"If the charges accruing under class rates published in the following tariffs, including supplements to or successive issues thereof, for the same articles, from and to the same points, via the same route, are lower than the charges accruing under the applicable commodity rate, the lower charge resulting from the application of the class rate will apply: (here include the MPSC number and the tariff publishing agent, or carrier's name, as the case may be, shown on the title page of the class rate tariff.)"

History: 1984 AACS.

#### R 460.19243 Shipping documents.

Rule 1243. A document shall be on file at a carrier's place of business and shall contain not less than the following information in connection with each shipment transported:

- (a) Name of carrier.
- (b) Name of shipper and point of origin.
- (c) Name of consignee and destination.
- (d) Shipper's number.
- (e) Date of shipment.
- (f) Quantity.
- (g) Description of article.
- (h) Weight.
- (i) Rates and charges.
- (j) Shipment prepaid or collect.

History: 1984 AACS.

#### R 460.19244 Classification and classification exceptions.

Rule 1244. (1) If a tariff is to be governed by a classification of the carrier or a classification issued by an agent, a notation substantially as follows shall be shown on the title page of the tariff or in a governing publications item in the body of the tariff:

"Governed, except as otherwise provided herein, by (name of classification), (agent or carrier), (MPSC No.)."

(2) Subrule (1) of this rule shall apply in like manner to a tariff containing exceptions to the classification.

(3) The establishment of any exceptions rating to apply on less-than-truckload, truckload, or any-quantity shipments removes the application of the classification rating on the same articles between the same points via the same carrier.

(4) Exceptions to a classification may be published as a separate tariff or combined, but as a separate section, with a tariff containing rules and regulations.

History: 1984 AACS.

#### R 460.19245 Filing tariffs and supplements.

Rule 1245. (1) Unless additional copies are requested by the commission, 1 copy of every tariff, classification, supplement, or other filing with the commission is required.

(2) All tariff, classification, supplement, or other filings with the

commission shall be accompanied by a transmittal letter listing the documents being filed. A transmittal letter shall be on paper 8-1/2 by 11 inches in size and in the form shown in R 460.19301(5).

(3) All transmittal letters shall also provide as follows:

(a) A brief explanation of the changes being made in each of the filings, for example, naming increases, naming reductions, or reissue without change in rates, as the case may be.

(b) That the filing has interstate application only, when that is the case.

(c) That the filing contains only Michigan intrastate provisions which are being brought forward from previous filings to the same tariff, without change, for example, reissued matter, when that is the case.

(d) If a receipted copy of the transmittal letter is desired, the phrase "receipted copy requested" shall be shown on the face of the original and a self-addressed, stamped envelope shall be enclosed.

(4) Except as otherwise provided, every tariff or supplement or loose-leaf revised page shall be filed in the office of the commission on statutory notice before the effective date shown on the title page, as set forth in R 460.19248.

(5) A tariff or supplement shall not be accepted for filing unless delivered free from all charges or claims. Further, consideration shall not be given to or for the time during which a tariff or supplement may be enroute for delivery.

(6) When a tariff or supplement is received by the commission too late to give the full number of days of notice required by the law, it may be returned, as rejected by the commission, to the sender, or a carrier may be given the opportunity to comply with the notice requirement by extending the effective date. Except as otherwise provided in this rule, when a tariff or supplement is issued and the commission is not given the required notice, it is as if it had not been issued, and full required notice shall be given as to any reissuance thereof.

(7) Notwithstanding previous subrules of this rule, when temporary authority is granted by the commission, the tariff may be filed on 5 days' notice, or less than 5 days with the approval of the commission, if a competitive certification, as provided in R 460.18904(k) is submitted with the temporary authority application. The tariff filing shall show the following statement on the title page or in the tariff publication: "Issued on \_\_\_\_\_ days' notice. Authority of MPSC Rule 1245(7)."

(8) When a tariff filing is rejected, the commission shall give written reasons for the rejection.

History: 1984 AACS.

#### R 460.19246 Posting tariffs.

Rule 1246. (1) Under the act, a carrier is required to keep open to public inspection in its principal place of business, and have available upon request, schedules, tariffs, and supplements showing all rates and charges for the transportation of property between different points on routes it is authorized by the commission to serve, and also between points on its own route and on the route of any other carrier when a through route and joint rate have been established, and all other tariffs to which the carrier is a participating carrier.

(2) The file of tariffs posted and maintained for public inspection shall be complete, accessible, and in usable form and shall be available for inspection during the ordinary business hours of the carrier. Employees of the carrier shall, with reasonable promptness, provide any requested information contained in the tariffs, assist those seeking information from the tariffs, and afford inquirers an opportunity to examine the tariffs without requiring or requesting the inquirer to give a reason for seeking the opportunity.

(3) Each tariff publication shall be posted continuously for not less than 25 days before the effective date of a 30-day tariff filing, or at least 1 day before a filing made on less than 30 days' notice.

History: 1984 AACS; 1988 AACS.

#### R 460.19247 Reissuing, canceling, or changing tariffs or supplements.

Rule 1247. (1) The commission may require the reissuance of any tariff or supplement at any time, citing, in writing, the reasons for the request.

(2) When a tariff is reissued, the new tariff shall cancel the old tariff; for example, "MPSC No. 2 cancels MPSC No. 1." This information is to be placed in the top part of the title page of the new tariff.

(3) Tariff amendments shall be filed on statutory notice, except as otherwise provided in R 460.19248.

(4) Any change, including additions, to a tariff shall be made by reissuing the tariff or by issuance of a supplement to the tariff. Such supplements shall be numbered consecutively starting with No. 1, for example, "Supplement No. 1 to (here show the MPSC designation)," and shown at the top of the page.

(5) A supplement canceling a previous supplement to the same tariff shall be accomplished as follows: "Supplement No. \_\_\_\_\_ cancels Supplement No(s). \_\_\_\_\_." This information, together with the numbers of those supplements in effect on the effective date of the supplement, shall be shown in the upper portion of the title page. Supplements of a special kind; for example, suspension, postponement, and blanket increase, shall be indicated as such on the title page.

(6) Except as otherwise authorized in subrule (8) of this rule, an item or any other unit, numbered or unnumbered, amended by a supplement shall be published in that supplement in its entirety as amended. The item, or other unit, shall be assigned numbers, and changes to or cancellation of it shall be under the same item, or other unit, number with letter suffix. For example: item 40-A cancels item 40; item 40-B cancels item 40-A, and so forth. Specific cancellation of items may be omitted if the tariff provides a rule as follows: A numbered item with a suffix shown in a supplement shall cancel, except as otherwise specifically provided, previous items bearing the same number found in the tariff or prior supplements. Letter suffixes shall be applied beginning with the letter A. For example, item 300-A shall cancel item 300, but only item 300-A need be shown. Item 300-B shall cancel item 300-A, but only item 300-B need be shown.

(7) Except as authorized by special permission of the commission, the following is the maximum number of supplements to a tariff that may be in effect at any time and the maximum number of pages those supplements may contain:

\*\*\*\* INSERT MISSING TABLE OR CHART - SEE ORIGINAL MANUSCRIPT \*\*\*\*

(8) All of the following provisions apply to loose-leaf tariffs:

(a) When a revised title page is issued, the following notation shall be shown in connection with the effective date: "Original effective date \_\_\_\_\_ (here show effective date of the original tariff)."

(b) If, on account of an expansion of the matter on any page, it becomes necessary to add an additional page, the additional page shall be given the same number with a letter suffix; for example, "original page 4-a," "original page 4-b," and so forth. If it becomes necessary to change the matter on "original page 4-a," it may be done by issuing "1st revised page 4-a," which shall provide for the cancellation of "original page 4-a."

(c) Unless otherwise authorized, amendment of a page will be made by reprinting the page and showing a revision number. The revision numbers will be used in consecutive numerical order beginning with "1st Revised Page." A revised page cancels any uncanceled revised or original pages that bear the same page number.

(9) All tariffs, supplements, and revised pages shall indicate changes from preceding issues by the use of the following symbols:

(R) to denote reductions.

(A) to denote increases.

(C) to denote changes, the result of which is neither an increase nor a reduction.

(N) to denote new; for example, not previously shown in the tariff being amended or reissued. In the alternative to the reference marks specified in this subrule, the following symbols may be used: a tear-drop to denote reductions; a diamond to denote increases; a triangle to denote changes, the result of which is neither an increase nor a reduction; a bold dot to denote no change; and an asterisk to indicate new. The proper symbol shall be shown directly in connection with each change.

(10) When a tariff is canceled in whole or in part by a supplement, the supplement shall show where in the future the rates will be found or what rates will apply. When a tariff is canceled by another tariff

that does not contain all of the rates shown in the tariff to be canceled, the canceling tariff shall show where the uncanceled rates will be found or what rates will apply.

For example:

"Rates in \_\_\_\_\_ MPSC No. \_\_\_\_\_ will apply," or, "class rates will apply," or "combination rates will apply."

History: 1984 AACS; 1988 AACS.

R 460.19248 Filing tariffs on less than statutory notice.

Rule 1248. (1) The commission may authorize, using its discretion and for good cause shown, changes upon less than statutory notice required by the act for the publishing, posting, and filing of tariffs. Therefore, an original and 1 copy of an application for permission to publish, post, and file tariffs on less than the required notice, or for waiver of the provisions of these rules, shall be executed in the form shown in R 460.19301(7), and shall give the information required by that form. This application shall bear the signature of an authorized officer or employee or duly authorized attorney or tariff publishing agent. The application shall be adapted to the circumstances involved and the party signing the application.

(2) Tariffs or supplements containing provisions that are being published under an authorization by special permission of the commission shall show the following: "Issued on \_\_\_\_\_ days' notice under special permission of the Michigan Public Service Commission No. \_\_\_\_\_ dated \_\_\_\_\_."

(3) For tariffs and supplements issued on short notice under special permission of the commission, exact compliance with the requirements for notice specified in the permission shall be required.

(4) When a carrier desires to meet a competitive rate already in effect between the same origin and destination on the same commodities, the tariff of the carrier or his or her agent may be issued upon less than statutory notice upon request and approval by the commission.

(5) When a carrier receives additional operating authority, the scope tariff or the scope portion of a rate tariff may be amended to include the new operating authority, without a change in rates or charges, upon 5 days' notice. Carriers may be added to an agency tariff's list of participating carriers to such tariffs as "rate base" or "mileage" tariffs, "classification tariffs," "exceptions to the classification tariffs," "rules and regulations type tariffs," or to other tariffs, upon 10 days' notice if no rate change is made in the same publication. The addition being filed under the provisions of this rule shall be indicated as follows: "Issued on 10 days' notice by authority of MPSC Rule 1248(5)."

(6) Contract carriers may file increases in rates and charges on 10 days' notice. The tariff shall show the following statement on the title page or in the tariff publication: "Issued on \_\_\_\_\_ days' notice by authority of MPSC Rule 1248(6)."

History: 1984 AACS; 1988 AACS.

R 460.19249 Joint rates, charges, rules, and regulations with another carrier.

Rule 1249. (1) If a carrier issues a tariff containing rates, charges, rules, and regulations in which another carrier concurs, then a concurrence shall be issued by the concurring carrier certifying that it concurs in the rates, charges, rules, and regulations filed by the issuing carrier. The form in R 460.19301(8) shall be used in giving concurrence in a tariff that is issued and filed by another carrier and to which the carrier giving concurrence is a party.

(2) In many cases carriers may desire to restrict the authority granted in a concurrence by limiting it in 1 of the following ways:

(a) To an individual publication named therein.

(b) To the publishing and filing of rates to but not from points on the line of concurring carriers and via its line.

(c) To the publishing and filing of rates to or from its points or via its line.

(d) To certain described traffic.

(e) Between certain described points or territories. Therefore, 1 general concurrence form has been adopted and carriers shall use that form to confer the desired authority by inserting in the proper place the authority or limitation.

(3) A concurrence may be revoked by filing notice of the revocation with the commission and serving a copy of the notice upon the carrier to whom it was originally given not less than 60 days in advance of the date the revocation is to become effective. However, a revocation of a concurrence shall not become effective, regardless of its effective date, until the tariff or tariffs to which it applies shall have been amended showing the effective date of the revocation of concurrence. The form of revocation is shown in R 460.19301(9).

(4) A tariff shall not be accepted for filing which contains combination or through joint rates in which carriers, other than the publishing carrier, participate, unless or until the participating carriers have filed a proper concurrence with the commission, as provided in this rule.

(5) In issuing joint tariffs, the issuing carrier shall use its own MPSC number, and every such tariff shall show the names of participating carriers under concurrence, including concurrence MVC number and certificate or permit number under which the carriers operate, alphabetically arranged, directly after the title page. However, if there are no more than 3 participating carriers, their names may be shown on the title page of the tariff.

(6) Supplements which contain either a list of carriers participating therein, or which state that the list of participating carriers is as shown in the tariff with certain exceptions, shall show alphabetically all additions to, and eliminations from, the original list as are to be affected by the supplement or that have been affected by previous supplements.

(7) When joint tariffs are issued, an alphabetical list of origins and destinations from which and to which rates apply shall be shown in the tariff. A geographical list of origins and destinations may be included, if desired, and directly after each origin and destination in the alphabetical list there shall be shown the index number of the page or the item number where such origin and destination will be found in the tariff. The alphabetical list shall also indicate the name of the carrier or carriers serving each point.

History: 1984 AACs.

#### R 460.19250 Tariffs filed by agents.

Rule 1250. Every carrier that has secured a certificate or permit to operate from the commission has the right to issue and file its tariffs naming rates, rules, and regulations, individually or collectively, as set forth in the act and in these rules. In either instance, the rules prescribed in this part shall govern as to the construction and filing of those tariffs, except that where 1 or more carriers desire to join in an agency tariff, all of the following provisions shall also apply:

(a) Before the commission will accept any agency tariff, including classification and exceptions, the carrier that is a party to the tariff, classification, or exceptions shall also file an appropriate power of attorney granting to some designated individual or corporation not a carrier full power and authority to do and perform for the carrier each act and thing mentioned in the power of attorney and making, constituting, and appointing the individual or corporation as the carrier's true and lawful attorney and agent.

(b) The form set forth in R 460.19301(11) shall be used by a carrier to give authority to an individual acting as an attorney and agent to file tariffs and supplements.

(c) The form set forth in R 460.19301(12) shall be used by a carrier to give authority to a corporation acting as agent to file tariffs and supplements. When giving authority to a corporation, all of the following provisions apply:

(i) An official or an employee of a corporation shall not act as agent when the corporation acts as agent, unless otherwise authorized by the commission.

(ii) A corporation accepting powers of attorney granting it the power to serve as attorney and agent shall issue tariffs in the name of the corporation as agent. At the bottom of the title page of each publication filed by it shall be shown the name and title of the official of the corporation who has been appointed by the corporation to handle tariff matters with the commission.

(iii) A corporation acting as a publishing agent under powers of attorney shall forward to the commission certified minutes of the meeting of its board of directors that show the name and title of the official who has been appointed to handle all tariff matters with the commission.

(d) The forms identified in subdivisions (b) and (c) of this rule may be modified to confer the authority desired by omitting the words "(1) for it alone," or by omitting the words "(2) and for it jointly with other carriers."

(e) If 2 or more carriers execute the forms in favor of a joint agent containing the words "for it jointly with other carriers," it shall not be necessary for those carriers under that authority to exchange with each other concurrences in the joint tariff issued by the joint agent.

(f) Carriers issuing the forms shall file the originals with the commission and shall furnish duplicates to the agents to whom powers of attorney are given.

(g) A power of attorney may be revoked by filing notice of the revocation with the commission and serving a copy of it upon the agent to whom it was originally given not less than 60 days in advance of the date the revocation becomes effective. However, a revocation shall not become effective, regardless of its effective date, until the tariff or tariffs to which it applies are amended showing the effective date of the revocation. The form for revocation is shown in R 460.19301(10).

(h) Agency tariffs, whether issued under the name of an association by its agent or under the name of the agent alone, shall bear the MPSC number of the agent and shall show the names of all carriers participating in the tariffs under power of attorney, including power of attorney MVP number, and the certificate or permit number under which the carriers operate, alphabetically arranged directly after the title page. However, if there are no more than 3 participating carriers, their names may be shown on the title page of the tariff.

(i) Supplements that contain either a list of carriers participating in them or that state that the list of participating carriers is as shown in the tariff with certain exceptions, shall show alphabetically all additions to, and eliminations from, the original list that are to be affected by the supplement or that have been affected by previous supplements.

(j) A carrier that provides in its tariff reference to an agent's tariff as a governing publication shall file with the commission an executed power of attorney form in accordance with the provisions of this rule and shall be shown as a participating carrier in the governing publication that is referred to in its tariff.

(k) The agent or carrier that issues a joint tariff publication shall, as soon as possible, send copies to every carrier that is named as a party to it.

(l) A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates shall not, in its own publications, publish rates that duplicate or conflict with those published by the authorized agent or other carrier.

History: 1984 AACS; 1988 AACS.

R 460.19251 Adoption of tariffs, concurrences, or powers of attorney.

Rule 1251. (1) A carrier shall not adopt any tariff, or part of any tariff, concurrence, or power of attorney which has been filed by another carrier, unless specifically authorized by the commission, in which event subrule (2) of this rule applies.

(2) In case of change of ownership or control of a carrier, when a certificate or permit is transferred from the operating control of one carrier to that of another, or when a carrier's name is changed upon authority of the commission, the carrier which will thereafter operate the line, if it intends to use the tariff publications and rates of the former operating carrier, shall issue, file, and post an adoption notice constructed in tariff form substantially as shown in R 460.19301(13) or in a combined adoption supplement format approved by the commission. This notice may become effective immediately.

(3) Similar adoption notices shall be filed by a receiver when assuming possession and control of a carrier's line.

(4) Tariffs so adopted by a carrier shall, within 60 days of the adoption, be replaced by new tariffs issued by, and in the name of, the carrier adopting the tariff. Or, in the case of an agency tariff, the tariff publishing agent shall, within 60 days, amend the agency tariffs so as to reflect this changed condition by adding the adopting carrier as a participant therein and by cancelling the participation that has been adopted.

(5) Concurrences and powers of attorney so adopted by a carrier shall, as soon as possible, be replaced and superseded by new concurrences and powers of attorney issued by, and in the name of, the adopting carrier, and in each instance, the new documents shall cancel the concurrence or power of attorney superseded.

History: 1984 AACCS.

R 460.19252 Suspension of rates, charge, rule, or regulation by the commission.

Rule 1252. (1) When the commission suspends the effective date of any rate, charge, rule, or regulation, it shall be unlawful for any carrier to use the rate, charge, rule, or regulation until the suspension has expired or, by commission action, until authority has been granted lifting the suspension.

(2) Upon receipt of an order suspending the effective date of any publication in part or in its entirety, the carrier or agent who issued the publication shall immediately file with the commission and post, in accordance with R 460.19246, a consecutively numbered supplement, bearing no effective date, which shall contain notice of the suspension.

(3) The supplement shall give specific reference to the MPSC number or numbers of the tariffs, supplements thereof, or revised pages thereto, in which will be found rates, charges, classifications, rules, and provisions with respect to practices to be continued in effect.

(4) The supplement shall quote the portion of the order which describes the suspended matter contained in the publication, the paragraph of the order naming the date to which the matter is suspended, and the paragraph prohibiting changes in the matter continued in effect during the period of suspension.

History: 1984 AACCS.

R 460.19253 Violation of act.

Rule 1253. The act affirmatively imposes upon each carrier the duty of filing with the commission all of its tariffs and amendments thereto, as prescribed in the act, or in any rule relative thereto which may be announced by the commission, under penalty for failure to do so, and prohibits the use of any rate which is not contained in the carrier's lawfully published and filed tariffs. The fact that receipt of a tariff, or supplement thereto, is acknowledged by the commission, or the fact that a tariff, or a supplement thereto, is in the files of the commission, will not serve to excuse the carrier from responsibility or liability for any violation of the act, or any ruling lawfully made thereunder, which may have occurred in connection with the construction or filing of the tariff or supplement.

History: 1984 AACCS.

### PART 13. FORMS

R 460.19301 Sample forms.

Rule 1301. (1) Form A shall read as follows:

**Figure for 460\_19301 (1 of 13)**



**CERTIFICATE OF SERVICE**  
(for service by mail)

(Name of person certifying service) hereby certifies under penalty of perjury that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, he/she served complete copies of the attached (identification of the document) upon the following person:

(List each person and his/her address)

by depositing same in the United States mail at the city of \_\_\_\_\_, state of \_\_\_\_\_, enclosed in sealed envelopes, directed to the above-named persons at the above-indicated addresses, and with sufficient first-class postage affixed.

Date \_\_\_\_\_  
\_\_\_\_\_  
(Signature of person certifying)

(2) Form B shall read as follows:

**Figure for 460\_19301 (2 of 13)**

**CERTIFICATE OF SERVICE**  
(for service in person)

(Name of person certifying service ) hereby certifies under penalty of perjury that on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, he/she served complete copies of the attached (identification of the document) by personally delivering same to the following persons at the following locations:

(List each person and the location at which each was served.)

Date \_\_\_\_\_  
\_\_\_\_\_  
(Signature of person certifying)

(3) Form C shall read as follows:

**Figure for 460\_19301 (3 of 13)**

**VERIFICATION**

I, (Name of person verifying), being duly sworn upon oath, verify under penalty of perjury that the facts asserted in the attached (identification of the document) are true and correct to the best of my knowledge. If representing a company, corporation, or organization, I further certify that I am authorized and qualified to submit this information.

\_\_\_\_\_  
(Signature of person verifying)

(4) Form D shall read as follows:

**Figure for 460\_19301 (4 of 13)**

**CERTIFICATION**

This is to certify that the rates and/or charges to be assessed in connection with this application are no lower than existing rates and/or charges for like commodities and services presently in effect and on file with the commission, published in the following:

(Supplement and/or tariff MPSC number)  
issued by (name of motor carrier)  
effective \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
(Applicant's signature)

(5) Form E shall read as follows:

**Figure for 460\_19301 (5 of 13)**

	(Name of Carrier or Agent in full)	
(MPSC Authority Number(s))	(Street Address or RFD Number)	
(Effective Date)	(City, State or Zip Code)	
	(Date)	
	(Telephone Number and Area Code)	
Transmittal No. _____		
TO: MICHIGAN PUBLIC SERVICE COMMISSION		
(Address)		
The accompanying publication(s) listed below is sent to you for filing in compliance with the requirements of Act 254, PA 1933, as amended:		
Tariff, Supplement or page number	Supplement and/or MPSC Number	Explanation See Rule 1245(3)
_____ (Signature of person issuing the publication, or other authorized person)		
_____ (Title)		
Note: If more than one publication is being filed, the above letter should be adapted accordingly.		

(6) Form F shall read as follows:

Figure for 460\_19301 (6 of 13)

MPSC NO. \_\_\_\_\_  
or  
MPSC NO. CZ \_\_\_\_\_

CERTIFICATE NO. \_\_\_\_\_  
(or Permit No.)

\_\_\_\_\_  
(Name of Carrier)

\_\_\_\_\_ FREIGHT TARIFF  
(Local, Joint or Proportional)

NAMING

\_\_\_\_\_  
(Class or Commodity Rates)

AND (OR)

CHARGES, RULES AND REGULATIONS  
FOR THE TRANSPORTATION OF FREIGHT

BETWEEN

\_\_\_\_\_  
(Describe generally the territory covered by the tariff)  
\_\_\_\_\_  
(Name points on carrier's authorized route)

ISSUED: \_\_\_\_\_  
(Date)

EFFECTIVE: \_\_\_\_\_  
(Date)

ISSUED BY:

\_\_\_\_\_  
(Name and Title of Person Responsible for Issuing the Tariff)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City and State)

(7) Form G shall read as follows:

Figure for 460\_19301 (7 of 13)

\_\_\_\_\_  
(Name of Carrier or Agent in Full)  
\_\_\_\_\_  
(Street Address or RFD Number)  
\_\_\_\_\_  
(City, State, Zip Code)  
\_\_\_\_\_  
(Date)  
\_\_\_\_\_  
(Telephone Number and Area Code)

TO: THE MICHIGAN PUBLIC SERVICE COMMISSION  
Lansing, Michigan

The (Name of Carrier), by (Name of Officer), its (Title of Officer) does hereby respectfully request the Michigan Public Service Commission that it be permitted under the rules of the Commission to put in force the following rates (or rules or regulations), to become effective upon \_\_\_\_\_ days' notice after the filing thereof with the Michigan Public Service Commission: (State fully, either specifically or by reference to an accompanying exhibit, the rates, or rules or regulations, which are desired to be put into effect, the articles upon which there are to apply and the points of origin and destination. If permission is sought to establish a rule or regulation, the exact wording of the proposed rule or regulation must be shown.)

Your petitioner further represents that said rates (or rules or regulations) above mentioned will be published in tariff MPSC No. \_\_\_\_\_ (or in a consecutively numbered supplement to MPSC No. \_\_\_\_\_), and will supersede and take the place of the rates (or rules or regulations) on like traffic from and to the points above named which are set forth in tariff MPSC No. \_\_\_\_\_ (or supplement) on file with the Commission.

(State here, either specifically or by reference to an accompanying exhibit, the present rates, rules or regulations, together with the MPSC numbers in which published and the effect of the proposed change.)

And your petitioner further bases such request upon the following facts which present certain special circumstances and conditions justifying the request herein made: (State fully all other circumstances and conditions which are relied upon as justifying the application and which may aid the Commission in determining the question presented. If the application is one for permission to publish, post and file tariffs on less than statutory notice, state in detail all reasons why it is necessary to make such changes on less than statutory notice.)

BY: \_\_\_\_\_  
(Signature, Name of Carrier)  
\_\_\_\_\_  
(Name and Title of Officer)

(8) Form H shall read as follows:

Figure for 460\_19301 (8 of 13)

TO BE FILED WITH THE MICHIGAN PUBLIC SERVICE COMMISSION

\_\_\_\_\_  
(Name of Carrier or Agent in full)

\_\_\_\_\_  
(Street Address or RFD Number)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Telephone Number and Area Code)

\_\_\_\_\_  
Certificate/Permit No.

FORM MVC No. \_\_\_\_\_  
(See Note Below)

This is to certify that (Name of Carrier) assents to and concurs in the publication and filing of any freight rate tariff or supplement thereto which the (Name of Carrier) may make and file in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby insofar as such tariff contains rates applying (here insert the extent of authority being granted) until this authority is revoked by formal and official notices of revocation placed in the hands of the Michigan Public Service Commission and of the carrier to which this concurrence is given.

\_\_\_\_\_  
(Name of Carrier)

\_\_\_\_\_  
(Name of Officer)

\_\_\_\_\_  
(Title)

Note: Concurrences of each carrier must be numbered consecutively beginning with No. 1, and successive issues must cancel the number superseded.

(9) Form I shall read as follows:

Figure for 460\_19301 (9 of 13)

REVOCATION NOTICE

\_\_\_\_\_  
(Name of Carrier or Agent in full)  
\_\_\_\_\_  
(Street Address or RFD Number)  
\_\_\_\_\_  
(City, State, Zip Code)  
\_\_\_\_\_  
(Telephone Number and Area Code)  
\_\_\_\_\_  
Certificate/Permit No.

KNOW ALL PERSONS BY THESE PRESENTS:

Effective \_\_\_\_\_, 19 \_\_\_\_, Concurrence Form MVC No. \_\_\_\_\_  
issued by \_\_\_\_\_ in favor of (Corporate Name of Carrier) is hereby canceled  
and revoked.

\_\_\_\_\_  
Corporate Name of Carrier  
Date \_\_\_\_\_  
\_\_\_\_\_  
(Name of Officer)  
\_\_\_\_\_  
(Title)

(10) Form J shall read as follows:

Figure for 460\_19301 (10 of 13)

REVOCATION NOTICE

\_\_\_\_\_  
(Name of Carrier or Agent in full)  
\_\_\_\_\_  
(Street Address or RFD Number)  
\_\_\_\_\_  
(City, State, Zip Code)  
\_\_\_\_\_  
(Telephone Number and Area Code)  
\_\_\_\_\_  
Certificate/Permit No.

KNOW ALL PERSONS BY THESE PRESENTS:

Effective (Date) , 19 \_\_\_\_, Power of Attorney Form MVP No. \_\_\_\_\_  
issued by (Name of Carrier) in favor of (Name of Agent) is hereby canceled and revoked.

Date \_\_\_\_\_ BY: \_\_\_\_\_  
\_\_\_\_\_  
(Name of Carrier)  
\_\_\_\_\_  
(Signature)  
\_\_\_\_\_  
(Title)

(11) Form K shall read as follows:

Figure for 460\_19301 (11 of 13)

TO BE FILED WITH THE MICHIGAN PUBLIC SERVICE COMMISSION

(Name of Carrier or Agent in Full)

(Street Address or RFD Number)

(City, State, Zip Code)

FORM MVP (See Note Below) (Telephone Number and Area Code)

Certificate/Permit No.

KNOW ALL PERSONS BY THESE PRESENTS:

That (Name of Carrier) has made, constituted and appointed, and by these presents does make, constitute and appoint (Name of Person Appointed) its true and lawful attorney and agent for the said carrier, and in its name, place and stead, (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exceptions and supplements thereto, as required of motor common carriers by Act 254, PA 1933, as amended, and by regulations established by the Michigan Public Service Commission thereunder for the period of time, the traffic, and the territory now herein named:

and the said (Name of Carrier) does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if same were done and performed by said carrier, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof and assuming full responsibility for the acts and neglects of its said agent and attorney hereunder.

And further, that (Name of Carrier) has made, constituted and appointed, and by these presents does make, constitute and appoint as alternate (Name of Alternate) its true and lawful attorney and agent, for said carrier in its name, place and stead, (1) for it alone, and (2) for it jointly with other carriers in case and only in case of the death or disability of the said (Name of Agent) to do and perform the same acts and exercise the same authority as hereinabove granted to (Name of Agent).

IN WITNESS WHEREOF the said carrier has caused these presents to be signed in its name and by its \_\_\_ President and to be duly attested under its corporate seal by its Secretary at \_\_\_, in the state of \_\_\_, on this \_\_\_ day of \_\_\_, 19 \_\_\_.

Attest: (Secretary) (Corporate Seal)

BY: (Name of Carrier) Its \_\_\_ President

Note: Powers of Attorney of each carrier must be numbered consecutively beginning with No. 1, and successive issues must cancel the number superseded. If this form is to be used by individuals, then the last paragraph should read as follows:

"IN WITNESS WHEREOF (I, or we) have hereunto set (my, or our) hand(s) and seal this \_\_\_ day of \_\_\_, 19 \_\_\_."



(12) Form L shall read as follows:

Figure for 460\_19301 (12 of 13)

TO BE FILED WITH THE MICHIGAN PUBLIC SERVICE COMMISSION

\_\_\_\_\_  
(Name of Carrier or Agent in full)

\_\_\_\_\_  
(Street Address or RFD Number)

FORM MVP \_\_\_\_\_  
(See Note Below) \_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number and Area Code)

\_\_\_\_\_  
Certificate/Permit No.

KNOW ALL PERSONS BY THESE PRESENTS:

That (Name of Carrier) has made, constituted and appointed, and by these presents does make, constitute and appoint (Name of Corporation Appointed) its true and lawful attorney and agent for the said carrier, and in its name, place and stead, (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exceptions and supplements thereto, as required of motor common carriers by Act 254, PA 1933, as amended, and by regulations established by the Michigan Public Service Commission thereunder for the period of time, the traffic, and the territory now herein named:

\_\_\_\_\_

and the said (Name of Carrier) does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above as specified fully to all intents and purposes as if same were done and performed by said carrier, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof and assuming full responsibility for the acts and neglects of its said agent and attorney hereunder.

IN WITNESS WHEREOF the said carrier has caused these presents to be signed in its name and by its \_\_\_\_\_ President, and to be duly attested under its corporate seal by its Secretary, at \_\_\_\_\_, in the state of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

Attest: \_\_\_\_\_  
(Secretary)  
(Corporate Seal)

BY: \_\_\_\_\_  
(Name of Carrier)  
Its \_\_\_\_\_ President

Note: Powers of Attorney of each carrier must be numbered consecutively beginning with No. 1, and successive issues must cancel the number superseded. If this form is to be used by individuals, then the last paragraph should read as follows: "IN WITNESS WHEREOF (I, or we) have hereunto set (my, or our) hand(s) and seal this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_."

(13) Form M shall read as follows:

**Figure for 460\_19301 (13 of 13)**

MPSC No. \_\_\_\_\_

CERTIFICATE NO. \_\_\_\_\_  
(or Permit No.)

\_\_\_\_\_  
(Name of Carrier)

**ADOPTION NOTICE**

The (Name of Carrier) hereby adopts, ratifies and makes its own in every respect as if same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements divisions, authorities, powers of attorney, or other instruments whatsoever filed with the Michigan Public Service Commission by the (Name of Carrier and Certificate or Permit No.) prior to (Date) the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which have been heretofore filed with said Commission.

\_\_\_\_\_  
ISSUED: \_\_\_\_\_

ISSUED BY:

\_\_\_\_\_  
(Name and Title of Official or Carrier)

\_\_\_\_\_  
(Address or RFD Number)

\_\_\_\_\_  
(City, State, Zip Code)

History: 1984 AACS; 1988 AACS.