

CHAPTER 23. TARIFFS FOR COMMON CARRIERS**GENERAL PROVISIONS**

- Sec.
23.1. Definitions and applicability.

FORM AND FILING OF TARIFFS

- 23.11. Filing of rates.
23.12. Format for tariffs and supplements.
23.13. Tariff supplements.
23.14. Numbering of tariffs and supplements.
23.15. Tariff indexes.
23.16. Filing in numerical order.

CONTENT AND ARRANGEMENT OF TARIFFS

- 23.21. Title page.
23.22. List of changes made by tariff.
23.23. Omissions.
23.24. Increases.
23.25. Decreases.
23.26. Changes.
23.27. Symbols used in tariff body.
23.28. Table of contents.
23.29. Naming of carriers in joint tariffs.
23.30. Reference marks and technical abbreviations.
23.31. Explanatory statements.
23.32. Inclusion of all rules affecting rates.
23.33. [Reserved].

NOTICE OF TARIFF CHANGES

- 23.41. Notice requirements for filing changes in rates.
23.42. Establishment of new rates.
23.43. Excursion fares.

POSTING OF TARIFFS AND NOTICES

- 23.51. Tariff files kept by carriers at principal office.
23.52. Tariff files kept by carriers at stations, warehouses and offices.

- 23.53. Notice to public of carriers' tariff files.
- 23.54. Discontinuance of tariff posting.
- 23.55. Notice of tariffs not posted.

NOTICE OF CHANGES IN FARES

- 23.61. Posting of changes in passenger fares.
- 23.62. Notification to the Commission of proposed rate changes.
- 23.63. Data required in filing proposed rate changes.
- 23.64. [Reserved].
- 23.65. Exemptions from filing.
- 23.66. Filings as public record.
- 23.67. Financial data.
- 23.68. Filing requirements for passenger carriers.
- 23.69. Stay-out provision.

FILING OF TARIFFS OR SUPPLEMENTS ON LESS THAN PRESCRIBED NOTICE

- 23.71. Filing on less than 30 days' notice.
- 23.81—23.83. [Reserved].
- 23.85. [Reserved].
- 23.91—23.92. [Reserved].

RATES RELATED TO VALUE OF SHIPMENTS

- 23.101. Applications to establish rates related to value.
- 23.102. Rates based on limitation of liability.
- 23.103. Applications based on special circumstances.
- 23.104. Changes where declared value and routes or destinations remain unchanged.

OTHER RULES PERTAINING TO CARRIER RATES

- 23.111. Payment of rates in advance.
- 23.112. Advance sale of commutation and term tickets.
- 23.113. Interest on overcharge claims.
- 23.114. Suspension supplements.
- 23.115. Transportation free or at reduced rates.
- 23.116. [Reserved].
- 23.117. Rates charged for passenger transportation when price changes occur after reservations or purchases of service.

**GRANTING OF POWER OF ATTORNEY AND ISSUING OF
CONCURRENCE IN TARIFFS OF COMMON CARRIERS**

- 23.121. Filing of tariffs of joint rate.
- 23.122. Posting of tariffs.
- 23.123. Revocation of concurrence.
- 23.124. Form for giving authority.
- 23.125. Form for concurring in rate or fare tariffs.
- 23.131—23.135. [Reserved].

CONTRACT CARRIERS

- 23.141. Schedules of charges for contract carrier services.
- 23.142. Unit of time in carrier contracts.
- 23.143. Separate schedules.
- 23.144. Minimum effective date for decreases.
- 23.145. Minimum filing date for other than decreases.
- 23.146. Amended contracts accompanying proposed revisions.
- 23.147. Schedules published and filed in carrier's name.
- 23.148. Filing of schedules with the Commission.
- 23.149. [Reserved].

Authority

The provisions of this Chapter 23 issued under the Public Utility Law (66 P. S. §§ 1341 and 1342) (Repealed), unless otherwise noted.

Source

The provisions of this Chapter 23 adopted October 1, 1948, unless otherwise noted.

Cross References

This Chapter cited in 52 Pa. Code § 31.31 (relating to bills of lading and receipts); 52 Pa. Code § 31.46 (relating to tariff regulations); and 52 Pa. Code § 1063.2 (relating to limousine rates and tariffs).

GENERAL PROVISIONS

§ 23.1. Definitions and applicability.

(a) *Definitions.* The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Common carrier or carrier—A person or corporation holding out, offering or undertaking, directly or indirectly, service for compensation to the public for the transportation of passengers or household goods in use, or both, or any class of passengers or household goods in use, between points within this Commonwealth by, through, over, above or under land, water or air, including forwarders, but not motor common carriers of property, group and party carriers of more than 15 passengers, contract carriers, brokers or any bona fide

cooperative association transporting property exclusively for the members of the association on a nonprofit basis.

Contract carrier—A person or corporation who or which provides or furnishes transportation of passengers or household goods in use, or both, or any class of passengers or household goods in use, between points within this Commonwealth by motor vehicle for compensation, whether or not the owner or operator of the motor vehicle, or who or which provides or furnishes, with or without drivers, any motor vehicle for the transportation, or for use in transportation, other than as a common carrier by motor vehicle, but not including any of the following:

(i) A lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance, supervision or control of the motor vehicle sold.

(ii) A bona fide agricultural, cooperative association transporting property exclusively for the members of the association on a nonprofit basis or any independent contractor hauling exclusively for the association.

(iii) An owner or operator of a farm transporting agricultural products from, or farm supplies to, the farm, or an independent contractor hauling agricultural products or farm supplies, exclusively, for one or more owners or operators of farms.

(iv) Transportation of school children in any motor vehicle owned by any school district, or operated under contract with any school district, for which transportation is lawfully paid by the school district from district funds.

(v) A person or corporation who or which uses, or furnishes for use, dump trucks for the transportation of ashes, rubbish, excavated or road construction materials.

(vi) Transportation of voting machines to and from polling places by any person or corporation for or on behalf of any political subdivision of this Commonwealth for use in any primary, general or special election.

Operating ratio—The operating ratio at present rates shall be calculated as a ratio of intrastate operating expenses to intrastate operating revenues, where the numerator includes operations and maintenance expense, annual depreciation, applicable taxes, and the denominator consists of the utility's intrastate operating revenues at present rates, including all surcharges.

Rate—An individual or joint fare, toll, charge, rental or other compensation of a public utility, other than a motor common carrier of property in its transportation of property, or contract carrier by motor vehicle, made, demanded or received for jurisdictional service, offered, rendered or furnished by the public utility, other than a motor carrier of property in its transportation of property, or contract carrier by motor vehicle, whether in currency, legal tender or evidence thereof, in kind, in services or in another medium or manner, and

whether received directly or indirectly, and rules, regulations, practices, classifications or contracts affecting the compensation, charge, fare, toll or rental.

Tariff—Schedules of rates, rules, regulations, practices or contracts involving any rate, including contracts for interchange of service and, in the case of a common carrier, other than a common carrier of property in the transportation of property, schedules showing the method of distribution of the facilities of the common carrier.

(b) *Applicability*. This chapter applies to motor carriers except common carriers of property and group and party carriers of more than 15 passengers.

Authority

The provisions of this § 23.1 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103 and 1501.

Source

The provisions of this § 23.1 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647; amended July 29, 2011, effective July 30, 2011, 41 Pa.B. 4100; amended June 2, 2017, effective June 3, 2017, 47 Pa.B. 3099. Immediately preceding text appears at serial pages (359659) to (359660) and (357897).

FORM AND FILING OF TARIFFS

§ 23.11. Filing of rates.

(a) Before any carrier furnishes or offers to furnish any service, it shall file with the Commission tariffs showing the rates or other compensation demanded for such service, including COD services, and all rules governing the furnishing of the service or the application of the rates demanded therefor, if the filing of a tariff with the Commission is not construed as an approval by it of the rates or rules contained therein, or as a waiver of any other requirement of 66 Pa.C.S. §§ 101—3315.

(b) The tariffs of carriers also subject to the jurisdiction of a Federal regulatory body shall correspond, so far as practicable, to the form of those prescribed by such Federal agency.

Cross References

This section cited in 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons).

§ 23.12. Format for tariffs and supplements.

(a) All tariffs, and all supplements to tariffs, shall be printed or typewritten on hard-calendered paper of good quality 8 inches by 11 inches in size, from type of size not less than eight point full face and shall not contain alterations or erasures.

(b) Tariffs prepared by a reproduction process resulting in a permanent record are acceptable, but tariffs or supplements prepared in hectograph impression, or by other means which do not result in a permanent record, shall not be accepted.

(c) A looseleaf form may be used so that changes may be made by the issuance of revised or additional original pages. Each revised page shall refer to the page canceled thereby.

§ 23.13. Tariff supplements.

(a) A change in, or addition to, a bound tariff shall be known as a supplement. A supplement shall refer to the page or item of the tariff or tariff supplement thereby amended.

(b) Unless otherwise provided by the Commission, a tariff of four pages or less may not be supplemented, but shall be reissued when amended. Any tariff consisting of more than four pages may be supplemented to the extent of not more than 50% of the number of pages contained in the original tariff. Looseleaf tariffs may be amended without limitation, if the revised check sheets are also submitted.

(c) Unless otherwise permitted by the Commission, if a carrier changes its name or is acquired by or absorbed by another carrier, the predecessor shall unite with the survivor in common supplements to existing tariffs, the predecessor withdrawing and the survivor accepting and establishing existing tariffs. The common supplements shall be executed jointly by both predecessor withdrawing and the survivor accepting and establishing existing tariffs. The common supplements shall be executed jointly by both predecessor and survivor carriers and numbered as supplements. New tariffs or schedules shall be numbered in series as of the surviving carrier. The same procedure shall be followed by a receiver, trustee, or any successor in interest in the course of law.

§ 23.14. Numbering of tariffs and supplements.

(a) Tariffs shall be numbered consecutively with the prefix "Pa. P.U.C. No." and a separate series of numbers shall be used for tariffs pertaining to each kind of service furnished.

(b) The designation on tariffs of motor carriers shall show the kind of service and serial number as follows:

- (1) "Bus Pa. P.U.C. No. ____."
- (2) "Call and Demand Pa. P.U.C. No.____."
- (3) "Contract Pa. P.U.C. No. ____."
- (4) "Group or Party Pa. P.U.C. No. ____."

(c) Supplements to tariffs shall be numbered in the same manner, in the form "Supplement No. ___ to ___ Pa. P.U.C. No. ____."

Authority

The provisions of this § 23.14 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.14 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (213540) to (213541).

Cross References

This section cited in 52 Pa. Code § 23.21 (relating to title page).

§ 23.15. Tariff indexes.

If a carrier has five or more tariffs on file with the Commission, an index of such tariffs shall be filed consisting of two sections, the first section listing the kinds of service alphabetically and showing the numbers of the applicable tariffs and the second listing the tariffs numerically. The index shall be supplemented each month in which changes are made in order to bring the information to date, and shall be reissued within a period not to exceed one year.

§ 23.16. Filing in numerical order.

(a) Tariffs and supplements should be filed in numerical order insofar as possible and when this cannot be done suitable explanation shall be made concerning missing numbers.

(b) Each tariff or supplement filed with the Commission shall be accompanied by a separate letter of transmittal, in duplicate if receipt is desired, prepared on paper not larger than 8 1/2 by 11 inches in size. Specific reference shall be made thereon to all of the following:

(1) The tariff or supplement being filed.

(2) The effective date of the tariff or supplement.

(3) Supporting data required by §§ 23.63—23.66 (relating to data required in filing proposed rate changes; data required in filing increases in operating revenues; exemptions from filing; filings as public record), unless the supporting data has been previously filed.

(c) If the tariff transmitted is a joint one, a statement should be included to the effect that it is concurred in by all participants, under appropriate authorization on file with the Commission or attached to the tariff.

(d) The original letter of transmittal will be retained by the Commission. The duplicate, when accompanied by an addressed, stamped envelope or postage sufficient to cover return mailing, will be stamped and returned to the carrier to evidence receipt of the tariff matters filed.

(e) If a number of tariffs or supplements pertaining to one kind of service are filed simultaneously, they may be included in one transmittal letter.

(f) Separate letters shall be used for tariffs or supplements filed for different classes of service. Tariffs tendered for filing shall be addressed to:

Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, Pennsylvania 17105-3265.

Authority

The provisions of this § 23.16 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.16 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (213541).

CONTENT AND ARRANGEMENT OF TARIFFS**§ 23.21. Title page.**

Each tariff shall contain a title page showing the following information in the sequence specified:

(1) The Commission (Pa. P.U.C.) number of tariff or supplement, as indicated in § 23.14 (relating to numbering of tariffs and supplements). The designation shall be placed in the upper right corner, and immediately under it the numbers of tariffs or supplements cancelled thereby. Motor carriers shall place in the upper left corner their certificate or permit and folder numbers.

(2) The name of the issuing carrier or publishing agent. The names of motor carriers shall be exactly as they appear in the certificates or permits.

(3) The kind of service to which the tariff applies. Motor carriers shall describe exactly the right authorized. If the rights are extensive they may be described in the body of the tariff or in a separate issue with appropriate reference to it on the title page.

(4) Reference by title and Commission number to any other tariff which may apply in connection with the tariff or schedule. If not practical to show, this information may be included in the body of the tariff under rules and regulations. When a carrier proposes to apply the rates named in agency tariffs for all or part of its services, it is necessary to submit a tariff in the name of the individual, as prescribed in paragraphs (1)—(3), and to make proper reference to the agency issues naming the applicable rates.

(5) The date of issue (left) and date effective (right). A tariff or supplement filed to comply with an order of the Commission may be made effective on 1 day's notice unless otherwise specified. The date of issue, which shall be inserted before the tariff is submitted for filing, should be at least 1 day after the date on which the schedule is mailed. The effective date should be 1 day later than the date of issue. Neither of these dates refers to the date of action by the Commission in authorizing service.

(6) On each tariff or supplement issued to become effective on short notice by special permission of the Commission, the following notation shall be made: "Issued under special permission of Pennsylvania Public Utility Commission No. ___ of ___ (Date)."

(7) On each tariff and supplement issued under orders prescribed by the Commission (usually as a result of a rate case), the following notation shall be made:

(i) "Filed in compliance with the order of Pennsylvania Public Utility Commission, of ___ (Date) at C. ___ (Docket No. of order)."

(ii) Exception: In looseleaf tariffs or supplements notation may be made on each page containing material which is so issued, instead of on the title page.

(8) The name, title and address of the officer, administrative official or agent by whom the tariff or supplement is issued.

(9) Tariffs and supplements filed by other than railroad companies or their agents, shall indicate the amendments to existing rules and rates made by the tariff or supplement, together with reference to the pages on which they are listed, and which shall be shown at the bottom of the page, as follows:

This tariff makes	NOTICE { Omissions Increases Decreases Changes }	in Existing Rates See Page__
-------------------	--	---------------------------------

Only the descriptions (shown in the brackets) as are applicable should be shown, the brackets shall be omitted.

Authority

The provisions of this § 23.21 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.21 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (213542) to (213543).

Cross References

This section cited in 52 Pa. Code § 23.27 (relating to symbols used in tariff body).

§ 23.22. List of changes made by tariff.

(a) Except as to railroad companies, page two of the tariff or supplement shall begin with the following:

LIST OF CHANGES MADE BY THIS TARIFF
(or supplement)

(b) The exact nature of the changes made by the tariff or supplement shall be shown under an appropriate subcaption.

Authority

The provisions of this § 23.22 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.22 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (213543).

Cross References

This section cited in 52 Pa. Code § 23.23 (relating to omissions); 52 Pa. Code § 23.24 (relating to increases); 52 Pa. Code § 23.25 (relating to decreases); 52 Pa. Code § 23.26 (relating to changes); and 52 Pa. Code § 23.27 (relating to symbols used in tariff body).

§ 23.23. Omissions.

When a tariff cancelling a previous tariff omits rates or rules which were contained in such previous tariff, the new tariff shall contain, under the subcaption described in § 23.22 (relating to list of changes made by tariff), a brief statement of all such omissions, including reference to the page or pages in the previous tariff upon which such rates or rules were shown, and if such omissions effect increases or decreases in charges, that fact shall be stated.

§ 23.24. Increases.

When any changes in the rates or rules result in increases, a brief statement of such changes, together with a reference to the page or pages upon which they appear, shall be made under the subcaption described in § 23.22 (relating to list of changes made by tariff).

§ 23.25. Decreases.

When any changes in the rates or rules result in decreases, a brief statement of such changes, together with a reference to the page or pages upon which they appear, shall be made under the subcaption described in § 23.22 (relating to list of changes made by tariff).

§ 23.26. Changes.

When changes made by additions or corrections do not result in increases or decreases in the rates or charges, a brief statement of the changes, together with a reference to the page or pages upon which they appear shall be made under the subcaption described in § 23.22 (relating to list of changes made by tariff).

§ 23.27. Symbols used in tariff body.

(a) In addition to the notice placed upon the title page set forth in § 23.21 (relating to title page) and the list of changes prescribed by the provisions of § 23.22 (relating to list of changes made by tariff) the following symbols shall be shown in the body of the tariff immediately in connection with the rate or rule affected, unless the tariffs are likewise filed with a Federal agency, where the Federal symbol may be used with explanation.

- (1) If the rates or charges are increased, the symbol \diamond or (A) shall be used.
- (2) If the rates or charges are decreased, the symbol \ominus or (R) shall be used.
- (3) If the changes neither increase nor decrease the charge, such changes may be indicated by the symbol \natural or (C).

(b) On the bottom of each of the pages upon which symbols are shown, or in a list of abbreviations referred to, the following explanation shall be made:

- ◇ or (A) Indicates increase in rate
- ⊖ or (R) Indicates decrease in rate
- △ or (C) Indicates change or addition

(c) In cases where a change of the same character is made throughout an entire schedule or supplement or on a page thereof, that fact and the nature of such change may be indicated in distinctive type at the top of the title page or at the top of each page.

§ 23.28. Table of contents.

A tabulation, by page sequence or alphabetically by subject, of the contents of the tariff, setting forth the subject matter and the pages on which located, shall be made. This table may be omitted in tariffs consisting of six pages or less.

§ 23.29. Naming of carriers in joint tariffs.

If a joint tariff, the names of the carriers participating shall be alphabetically arranged and the point or points of interchange shall be shown. If the number of participating carriers is not more than ten, their names may be shown on the title page of the tariff. The form, designation and number of concurrences of participating carriers shall be shown.

§ 23.30. Reference marks and technical abbreviations.

Reference marks and technical abbreviations used shall be explained.

§ 23.31. Explanatory statements.

An explanatory statement shall be presented in such clear and explicit terms regarding the rates, charges and the like, contained in the tariff, as may be necessary to define their proper application.

§ 23.32. Inclusion of all rules affecting rates.

(a) Tariffs and supplements shall contain all rules or a proper reference to them, which govern or in any manner affect the rates named therein.

(b) Rates and charges shall be stated in cents, or in dollars and cents, per unit.

§ 23.33. [Reserved].

Source

The provisions of this § 23.33 reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (213545).

NOTICE OF TARIFF CHANGES**§ 23.41. Notice requirements for filing changes in rates.**

(a) To establish uniformity in the rules, regulations and practices of common carriers subject both to the jurisdiction of the Interstate Commerce Commission and the Commission, and so that common carriers subject to the exclusive jurisdiction of the Commission may not be unreasonably prejudiced or burdened, all common carriers, except as specified in subsection (c), are, unless otherwise directed, permitted to file changes in existing and duly established rates upon 30 days' notice to the Commission and the public. This subsection is not applicable to group and party carriers of 11 to 15 passengers and limousine carriers, which carriers are permitted to change rates on 1 day's notice to the Commission.

(b) Except by specific authority of the Commission, no change shall be made in any existing and duly established rate, except as specified in subsection (c), unless the rate has been in operation and effect for at least 30 days. This limitation does not, however, apply to tariffs on schedules containing rates for excursions limited to certain designated periods under authority of § 23.43 (relating to excursion fares). This subsection is not applicable to group and party carriers of 11 to 15 passengers and limousine carriers.

(c) Railroads and their agents operating in Pennsylvania intrastate transportation are permitted to file decreased rates on 10 days' notice and increased rates on 20 days' notice.

Authority

The provisions of this § 23.41 issued under the Public Utility Code, 66 Pa.C.S. §§ 102, 501, 1302, 1303 and 1308; and the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1204 and 1205); amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103 and 1501.

Source

The provisions of this § 23.41 amended May 29, 1981, effective May 30, 1981, 11 Pa.B. 1897; amended June 2, 2017, effective June 3, 2017, 47 Pa.B. 3099. Immediately preceding text appears at serial page (386034).

Cross References

This section cited in 52 Pa. Code § 23.61 (relating to posting of changes in passenger fares); and 52 Pa. Code § 29.316 (relating to tariff requirements).

§ 23.42. Establishment of new rates.

(a) On newly constructed lines of road and upon the inauguration of newly certificated service, rates and fares may be established in the first instance by posting tariffs or supplements and the filing of these with the Commission one day in advance of the effective date. Such tariffs or supplements shall not propose changes in existing rates, fares, or regulations and shall refer to this section, immediately below the effective date, as follows:

Issued under authority of 52 Pa. Code § 23.42 (relating to establishment of new rates).

(b) Tariffs or supplements issued by other carriers establishing rates or fares in connection with such extended service may be issued only upon 30 days'

notice or under special permission for shorter time. It will be the policy of the Commission to grant such reasonable permissions as are necessary to give carriers and shippers efficient use of such new facilities.

Cross References

This section cited in 52 Pa. Code § 3.385 (relating to rates, fares, charges for TA and ETA authorities); and 52 Pa. Code § 23.61 (relating to posting of changes in passenger fares).

§ 23.43. Excursion fares.

(a) Fares for an excursion limited to a designated period of not more than 3 days may be established, without further notice, upon filing a tariff and posting notice one day in advance of the effective date, in two public and conspicuous places, and in waiting rooms of each station where tickets for such excursion are sold.

(b) Fares for an excursion limited to a designated period of more than 3 days and not more than 30 days, may be established upon like filing and posting notice of three days.

(c) Fares for a series of daily excursions, such series covering a period not exceeding 30 days, may be established upon a similar notice of three days as to the entire series, and separate notice of the excursion on each day covered by the series need not be given.

(d) Fares for an excursion limited to a designated period exceeding 30 days will require 30 days' notice, unless shorter time is allowed in special cases by the Commission.

Cross References

This section cited in 52 Pa. Code § 23.41 (relating to notice requirements for filing changes in rates); and 52 Pa. Code § 23.61 (relating to posting of changes in passenger fares).

POSTING OF TARIFFS AND NOTICES

§ 23.51. Tariff files kept by carriers at principal office.

(a) If the principal office of a carrier is located within this Commonwealth, the carrier shall provide and maintain at its principal office and at Philadelphia and Pittsburgh, if its lines reach those cities, a complete file of the tariffs which it issues or to which it is a party. Such files shall be in charge of an employe or agent of the carrier who shall give desired information and assistance to those who may wish to consult the file, which shall be open and accessible to the public on ordinary business days and during ordinary business hours. If the principal office of a carrier is not within this Commonwealth, it shall designate some one place in this Commonwealth, to be approved by the Commission, at which a complete file shall be kept.

(b) A notice, not smaller than 8 by 10 inches and printed in large type shall be provided by each carrier and kept posted in a conspicuous place in the principal office, or the above-mentioned designated office, of the carrier. The notice shall read:

_____COMPANY

A COMPLETE PUBLIC FILE OF THE TARIFFS OF THE ABOVE-NAMED CARRIER IS MAINTAINED IN THIS OFFICE, AND MAY BE INSPECTED BY ANY PERSON UPON REQUEST, AND WITHOUT THE ASSIGNMENT OF ANY REASON FOR SUCH REQUEST. A REPRESENTATIVE OF THE COMPANY WILL LEND ANY ASSISTANCE IN SECURING INFORMATION FROM SUCH TARIFFS.

§ 23.52. Tariff files kept by carriers at stations, warehouses and offices.

(a) It shall be the duty of each carrier, with respect to each station, warehouse, or office at which passengers or freight are received for transportation and at which a representative is employed to maintain therein a file containing a copy of each tariff which contains rates and fares applying from that station, or terminal or other charges applicable at that station, including the tariffs issued by such carrier or by its authorized agent and those in which it has concurred, excepting only publications issued by railroads showing the marked capacities, length, dimensions and cubical capacities of cars, which shall be provided at the principal and designated offices already mentioned.

(b) Each carrier shall conform with all of the following:

(1) Provide its representatives with all changes in, cancellations of, additions to, and reissues of such publications in ample time to give the public, in each case, the 30 days' notice required, or such other notice as may be authorized by the Commission in special cases.

(2) Require its representative, upon receipt of a tariff or supplement to a tariff for filing and posting at that station, immediately to write or stamp upon the title page of such publication the date upon which it was received.

(3) Provide its representative with facilities for keeping such file of tariffs in ready reference order, and require him to keep the file in complete and readily accessible form and lend assistance to seekers for information therefrom, and to accord inquirers opportunity to examine any of the tariffs, without requesting the assignment of any reason for so doing, and with all promptness consistent with proper performance of other duties of the employe.

(4) Check the file of tariffs of each station or office at least once every 12 months.

§ 23.53. Notice to public of carriers' tariff files.

(a) Each carrier shall provide and keep posted in a conspicuous place in each station, waiting room, warehouse or office at which tariffs are so placed in cus-

tody of an agent or other representative, notices not smaller than 8 by 10 inches, printed in large type, and reading as follows:

_____ COMPANY
 A COMPLETE PUBLIC FILE OF THIS COMPANY'S TARIFFS IS LOCATED AT _____ IN THE CITY OF _____ AND _____ THE RATES AND FARES APPLYING FROM OR AT THIS STATION AND INDICES OF THIS COMPANY'S TARIFFS ARE ON FILE IN THIS OFFICE, AND MAY BE INSPECTED BY ANY PERSON UPON APPLICATION AND WITHOUT THE ASSIGNMENT OF ANY REASON FOR SUCH DESIRE.

THE AGENT OR OTHER EMPLOYEE ON DUTY IN THE OFFICE WILL LEND ANY ASSISTANCE DESIRED IN SECURING INFORMATION FROM SUCH SCHEDULES.

(b) At exclusive warehouses, and at exclusive passenger stations or offices, carriers may, under this order, place and keep on file only the household goods or passenger tariffs, respectively, and in such case the posted notices may be varied to read:

THE HOUSEHOLD GOODS RATE (OR PASSENGER FARE) TARIFFS APPLYING FROM OR AT THIS STATION AND INDEX OF THIS COMPANY'S GOODS (OR PASSENGER) TARIFFS ARE ON FILE IN THIS OFFICE, ETC.

Authority

The provisions of this § 23.53 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.53 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (213548) to (213549).

§ 23.54. Discontinuance of tariff posting.

Carriers may discontinue the posting of any tariff (except tariff indices) at stations where investigation shows that the tariff has not been used within a reasonable period of time, in which event the following notice shall be conspicuously posted and kept posted in each station or office affected.

_____ COMPANY
 A COMPLETE PUBLIC FILE OF THIS COMPANY'S TARIFFS IS LOCATED AT _____ IN THE CITY OF _____ AND _____ THE RATES APPLYING FROM OR AT THIS STATION AND INDICES OF THIS COMPANY'S TARIFFS ARE ON FILE IN THIS OFFICE, EXCEPT AS OTHERWISE AUTHORIZED BY PENNSYLVANIA PUBLIC UTILITY COMMISSION AND MAY BE INSPECTED BY ANY PERSON UPON APPLICATION AND WITHOUT THE ASSIGNMENT OF ANY REASON FOR SUCH DESIRE. FOR STATIONS AT WHICH CERTAIN TARIFFS ARE

NOT POSTED UNDER AUTHORITY ABOVE MENTIONED, SEE CURRENT TARIFF INDICES OF THIS COMPANY. SHIPPERS DESIRING THE POSTING OF ANY TARIFFS AT THIS STATION MAY MAKE WRITTEN REQUEST TO THE AGENT AT THIS STATION, MAILING A COPY THEREOF TO THE BUREAU OF TRANSPORTATION OF PENNSYLVANIA PUBLIC UTILITY COMMISSION WITHIN TEN (10) DAYS OF THE RECEIPT OF SUCH REQUESTS, AS TO ANY TARIFFS, THEY WILL BE POSTED AND THEREAFTER KEPT ON FILE.

THE AGENT OR OTHER EMPLOYEE ON DUTY IN THE OFFICE WILL LEND ANY ASSISTANCE DESIRED IN SECURING INFORMATION FROM OR INTERPRETING SUCH TARIFFS.

WRITTEN REQUEST FOR INFORMATION REGARDING RATES OR FARES SHOULD BE ADDRESSED TO THE AGENT.

§ 23.55. Notice of tariffs not posted.

The tariff index of the carrier shall contain a statement in connection with each tariff for which the posting requirements have been modified that, under authority of the Commission, it is not posted at stations (names of stations).

NOTICE OF CHANGES IN FARES

§ 23.61. Posting of changes in passenger fares.

(a) Upon the filing and posting of new tariffs or supplements to tariffs making increases in passenger fares by carriers other than railroads and aircraft, notice thereof shall be given to the public by posting in offices, waiting rooms and stations a notice on a poster, which shall be not less than 15 by 20 inches in size, or 300 square inches, printed in bold type of not less than 1 inch in height, as follows:

NOTICE
NEW RATES (FARES) TO BECOME EFFECTIVE
here insert date
MAKING INCREASES IN RATES (FARES) AFFECTING
here designate
the class of
service affected

HAVING BEEN FILED AND POSTED IN THE OFFICES OF THIS
CARRIER AND WILL BE PRODUCED FOR EXAMINATION UPON
REQUEST.

(b) The notice shall be posted in the offices so that it may be readily seen, and in two conspicuous places in each station and waiting room where tariffs are placed in the custody of a representative. Unless otherwise authorized by this subchapter or by the Commission, the notice shall be posted for a period of not

less than 30 days before the increases become effective, and is in addition to the notices prescribed in §§ 23.41—23.43 (relating to notice of tariff changes).

(c) Carriers, except railroads and aircraft, shall also post in every car or other means of conveyance employed by them for the transportation of passengers, over the line affected, a notice similar to that prescribed in subsection (a) for the period indicated, the notice to be of a size and type appropriate to the vehicle involved.

(d) Subsections (a)—(c) are not applicable to group and party carriers of 11 to 15 passengers and limousine carriers.

Authority

The provisions of this § 23.61 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103 and 1501.

Source

The provisions of this § 23.61 amended June 2, 2017, effective June 3, 2017, 47 Pa.B. 3099. Immediately preceding text appears at serial pages (241212) and (357899).

Cross References

This section cited in 52 Pa. Code § 23.66 (relating to filings as public record).

§ 23.62. Notification to the Commission of proposed rate changes.

In order that the Commission may be concurrently advised of the net effect of a proposed change in rates upon the patrons and the revenues of common carriers of passengers other than railroad and aircraft, as well as the prima facie reasonableness of the proposed rate changes, the data called for in § 23.63 (relating to data required in filing proposed rate changes), as appropriate, shall accompany the filing of the proposed rates, and shall be submitted in triplicate, and under oath of a responsible officer. Tariffs or tariff supplements not accompanied by the data, but required to be so accompanied, will be returned to the sender as not acceptable for filing. This section is not applicable to group and party carriers of 11 to 15 passengers and limousine carriers.

Authority

The provisions of this § 23.62 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103 and 1501.

Source

The provisions of this § 23.62 amended July 17, 1987, effective July 18, 1987, 17 Pa.B. 3028; amended June 2, 2017, effective June 3, 2017, 47 Pa.B. 3099. Immediately preceding text appears at serial page (357899).

Cross References

This section cited in 52 Pa. Code § 23.66 (relating to filings as public record).

§ 23.63. Data required in filing proposed rate changes.

(a) If a common carrier of passengers, other than railroad and aircraft, files a tariff or tariff supplement which will increase or decrease fares to any of its

patrons, it shall submit to the Commission, with the tariff or tariff supplement, statements showing all of the following:

- (1) The changes in rates proposed, stating the effective and proposed fares.
 - (2) The specific reasons for each increase or decrease.
 - (3) The estimated effect of each rate increase or decrease on the carrier's annual revenues.
 - (4) The calculations by which the estimates in paragraph (3) were determined.
- (b) Subsection (a) is not applicable to group and party carriers of 11 to 15 passengers and limousine carriers.

Authority

The provisions of this § 23.63 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103 and 1501.

Source

The provisions of this § 23.63 amended June 2, 2017, effective June 3, 2017, 47 Pa.B. 3099. Immediately preceding text appears at serial pages (357899) to (357900).

Cross References

This section cited in 52 Pa. Code § 23.16 (relating to filing in numerical order); 52 Pa. Code § 23.62 (relating to notification to the Commission of proposed rate changes); 52 Pa. Code § 23.65 (relating to exemptions from filing); 52 Pa. Code § 23.66 (relating to filings as public record); and 52 Pa. Code § 23.68 (relating to filing requirements for passenger carriers).

§ 23.64. [Reserved].

Authority

The provisions of this § 23.64 issued under the Public Utility Code, 66 Pa.C.S. §§ 501 and 1103; reserved under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1107 and 1501.

Source

The provisions of this § 23.64 amended July 17, 1987, effective July 18, 1987, 17 Pa.B. 3028; reserved June 2, 2017, effective June 3, 2017, 47 Pa.B. 3099. Immediately preceding text appears at serial pages (357900) and (386035).

Cross References

This section cited in 52 Pa. Code § 23.16 (relating to filing in numerical order); and 52 Pa. Code § 23.66 (relating to filings as public record).

§ 23.65. Exemptions from filing.

The filing requirements of § 23.63 (relating to data required in filing proposed rate changes) do not apply to rate changes pertaining solely to temporary or excursion traffic.

Authority

The provisions of this § 23.65 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103 and 1501.

Source

The provisions of this § 23.65 amended June 2, 2017, effective June 3, 2017, 47 Pa.B. 3099. Immediately preceding text appears at serial pages (386035) to (386036).

Cross References

This section cited in 52 Pa. Code § 23.16 (relating to filing in numerical order); and 52 Pa. Code § 23.66 (relating to filings as public record).

§ 23.66. Filings as public record.

Information submitted under §§ 23.61—23.65 (relating to notice of changes in fares) shall be considered as a public record and will be available for examination by the public upon request.

Cross References

This section cited in 52 Pa. Code § 23.16 (relating to filing in numerical order).

§ 23.67. Financial data.

(a) The Commission will not permit a tariff filing increasing rates by a common carrier of household goods in use or making a general increase in rates published by a rate bureau, conference or similar organization of carriers, which will increase gross annual revenues by more than 1%, unless financial justification in support of the proposed increase is filed with the tariff.

(b) Household goods in use carriers shall be governed by the following procedures in the filing of tariffs or tariff supplements:

(1) A tariff increasing rates shall be published to become effective on no less than 30 days' notice.

(2) At the time an increase in rates is filed with the Commission, the carrier or rate bureau, conference or similar organization requesting the increase shall submit sufficient evidence under certification by its chief executive, or other responsible officer which will enable the Commission to determine:

(i) The former or existing rate, the new or proposed rate and the percentage increase.

(ii) The dollar amount of the increased revenue which the increase is expected to provide.

(iii) The expected change resulting from the increase in the carrier's operating revenues together with known changes in operating expenses, and a calculating of operating ratio before income taxes, after the aforesaid changes.

(c) Common carriers of household goods in use with operating ratios of no less than 93%, before income taxes,* need not file substantiating data required by subsection (b)(2), but shall submit a statement with the tariff, or tariff supplement, stating that its operating ratio before income taxes for the same period is no less than 93%. The tariffs, or tariff supplements, shall be published to become effective on no less than 30 days' notice. Nothing in this subsection precludes the Commission from requiring supporting financial data in instances when increases in rates appear to be excessive.

* Operating ratio is operating expenses, excluding income taxes, divided by operating revenue.

Authority

The provisions of this § 23.67 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103 and 1501.

Source

The provisions of this § 23.67 adopted August 6, 1976, effective August 7, 1976, 6 Pa.B. 1838; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647; amended May 22, 2015, effective May 23, 2015, 45 Pa.B. 2468. Immediately preceding text appears at serial pages (357902) to (357903).

§ 23.68. Filing requirements for passenger carriers.

(a) Passenger carriers shall submit a statement with the tariff or tariff supplement stating the following:

- (1) The information required under § 23.63 (relating to data required in filing proposed rate changes).
- (2) The total gross annual intrastate revenue for the most recent fiscal year.
- (3) The dollar amount of increased annual revenue that the rate increase is expected to produce.
- (4) The total projected operating revenue after the revenue increase.
- (5) The total projected operating expenses.
- (6) The projected operating ratio.

(b) Subsection (a) is not applicable to group and party carriers of 11 to 15 passengers and limousine carriers.

Authority

The provisions of this § 23.68 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301 and 1308; amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103 and 1501.

Source

The provisions of this § 23.68 adopted July 29, 2011, effective July 30, 2011, 41 Pa.B. 4100; amended June 2, 2017, effective June 3, 2017, 47 Pa.B. 3099. Immediately preceding text appears at serial page (376871).

Cross References

This section cited in 52 Pa. Code § 23.69 (relating to stay-out provision).

§ 23.69. Stay-out provision.

A passenger carrier will not be permitted to request another increase in rates or operating revenues under § 23.68 (relating to filing requirements for passenger carriers) from the Commission for 1 year following a prior Commission-approved rate increase under § 23.68. A passenger carrier with gross intrastate operating revenues of less than \$500,000, but with an operating ratio that is 93% or above, shall be excepted from this 1-year stay-out restriction.

Authority

The provisions of this § 23.69 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301 and 1308; amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1102, 1103 and 1501.

Source

The provisions of this § 23.69 adopted July 29, 2011, effective July 30, 2011, 41 Pa.B. 4100; amended June 2, 2017, effective June 3, 2017, 47 Pa.B. 3099. Immediately preceding text appears at serial pages (376871) to (376872).

**FILING OF TARIFFS OR SUPPLEMENTS ON LESS THAN
PRESCRIBED NOTICE**

§ 23.71. Filing on less than 30 days' notice.

(a) No carrier may file a tariff or supplement on less than 30 days' notice, unless it shall have first received special permission from the Commission to do so.

(b) Applications for authority to file tariffs or supplements on less than the prescribed notice shall be made in duplicate under oath by a responsible officer of the applicant in the form set forth in subsection (c).

(c) Short notice authority will be granted only in cases where actual emergency and real merit are shown. A desire to meet the rates of a competing carrier which have been established in the regular manner will not in itself be considered as sufficient cause for permitting changes in rates or other provisions without observance of the usual filing period.

(This form to be printed or typewritten on paper 8 by 10 1/2 inches in size)

_____ (Name of petitioning company)

_____ 19 ____ (Place and date)

To: PENNSYLVANIA PUBLIC UTILITY COMMISSION HARRISBURG,
PENNSYLVANIA 17120

The _____ (Name of petitioning company) does respectfully petition the Commission that it be permitted under article III, section 308 of the Public Utility Law (66 P. S. § 1101 *et seq.*) to put in force the following rates, to become effective ____ day(s) after the filing thereof with the Commission. (State fully the rates it is desired to put into effect, the article upon which they are to apply, and the points affected.)

Your petitioner further represents that the rates above mentioned will be published in Tariff Pa. P.U.C. No. ____ or in Supplement No. ____ to Tariff Pa. P.U.C. No. ____ and will supersede and take the place of the rates on like tariff

from and to the points above named which are set forth in Tariff Pa. P.U.C. No. _____ or Supplement No. _____ to Tariff Pa. P.U.C. No. _____ on file with the Commission.

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 the circumstances and conditions which are relied upon as justifying the application, and if based upon rates in effect via other lines, specific reference shall be given to the Pa. P.U.C. numbers of the tariffs of such other line or lines)

(Name of petitioning company)

By _____

(Name of officer,
personal signature)

(Title of officer)

(Affidavit)

§§ 23.81—23.83. [Reserved].

Source

The provisions of these §§ 23.81—23.83 reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (213556) to (213557).

§ 23.85. [Reserved].**Source**

The provisions of this § 23.85 reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (213557).

§§ 23.91—23.92. [Reserved].**Source**

The provisions of these §§ 23.91 and 23.92 reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (213557) to (213560).

RATES RELATED TO VALUE OF SHIPMENTS**§ 23.101. Applications to establish rates related to value.**

(a) Applications for authority to establish rates for the transportation of household goods in use related to the released value of the shipments shall contain full and complete information concerning the grounds and facts upon which the request is based.

(b) Each application shall show the names of the carriers for and on behalf of which it is made, or if made on behalf of all carriers, parties to a particular tariff or classification may refer by Commission number to the tariff or classification.

(c) The existing and the proposed rules, regulations, rates or ratings shall be plainly set forth. A mere reference to existing rules, regulations, rates or ratings will not suffice.

(d) An original of each application shall be filed and shall be verified.

(e) In referring to existing rules, regulations, rates or ratings, the Commission numbers of the tariffs or classifications in which same are published, shall be shown.

(f) Carriers shall recite fully in their applications all further information in connection with any facts which are presented as justifying the authorization sought.

Authority

The provisions of this § 23.101 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 523, 1301, 1501 and 1504.

Source

The provisions of this § 23.101 reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647; amended January 10, 2014, effective January 11, 2014, 44 Pa.B. 249. Immediately preceding text appears at serial page (252991).

§ 23.102. Rates based on limitation of liability.

Rates based upon a limitation of liability for loss or damage to baggage may be published without the approval of the Commission.

§ 23.103. Applications based on special circumstances.

When applications are based upon special circumstances and conditions, or upon rules, regulations, rates or ratings applying in other localities or territories, or applicable over the lines of other carriers, full information respecting these special circumstances and conditions or existing rules, regulations, rates or ratings shall be given.

Authority

The provisions of this § 23.103 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.103 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (213561).

§ 23.104. Changes where declared value and routes or destinations remain unchanged.

If authority has been granted under 66 Pa.C.S. § 2304 (relating to liability of common carriers for damages to property in transit; bills of lading), to establish and maintain rules, regulations, rates or ratings dependent upon the value declared in writing by the shipper, or agreed upon in writing as the released value of household goods in use, changes in rates, ratings or carload minimum weights may be established thereafter and filed under authority of the original order without securing new released rate orders, if the rules or regulations, or the declared or agreed values on which same are dependent are not changed, and, if additional routes or points of origin or destination are not added.

Authority

The provisions of this § 23.104 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.104 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (213561).

OTHER RULES PERTAINING TO CARRIER RATES**§ 23.111. Payment of rates in advance.**

Common carriers may demand payment of rates and fares in advance of service rendered.

§ 23.112. Advance sale of commutation and term tickets.

(a) In order that all purchasers of monthly, quarterly, or other forms of commutation and term tickets, not including 500 and 1,000 mile tickets, may obtain the full benefit of the period during which such tickets are valid, and for the further convenience of passengers using such forms of tickets to or from nonagency

stations, they shall be sold, upon application, at least one day in advance of the date the initial trip is to be made.

(b) If the initial trip is to be made on a Monday, tickets may be purchased on the preceding Saturday or Sunday.

(c) In applying for a term ticket, the purchaser shall declare the date upon which such initial trip is to be made, which date should be prominently shown on the ticket, accompanied by a statement indicating that the ticket will not be valid prior to the date of the initial trip indicated.

§ 23.113. Interest on overcharge claims.

(a) In the settlement of an overcharge claim, that is, the refund of the amount collected in excess of the legally published rate, and, in the Reparation Docket, of the reasonable rate as therein determined, the claimant is entitled to interest upon the amount refunded at the rate of 6.0% per annum from the date of the improper collection.

(b) The Commission does not regard it unlawful for a claimant to accept in satisfaction of his claim the ascertained amount of an overcharge without interest, the Commission is of the opinion that if such refund is made within 30 days after the improper collection of the overcharge, it may be regarded, in accordance with well-established usage, as a cash transaction, upon which interest does not accrue.

§ 23.114. Suspension supplements.

(a) If the Commission, under 66 Pa.C.S. § 1308(b) (relating to voluntary changes in rates), suspends any proposed rates, charges or regulations contained in any tariff, the previous rates, charges or regulations shall remain in effect during the period of suspension or until lawfully cancelled, reissued or otherwise ordered by the Commission.

(b) If an order of suspension is received by a carrier against whose tariffs the order of suspension is directed, it is the duty of the carrier immediately to post in its offices and file with the Commission a supplement, which shall bear no effective date, announcing that the rates, charges or regulations are suspended by order of the Commission until the date stated in the order of suspension. Reference shall also be made in this supplement to the tariffs where the rates, charges or regulations remaining in effect during the period of suspension will be found.

(c) If the order directs the suspension of a part of a tariff which, except as to that part, is allowed to become effective, the supplement announcing the suspension shall also contain the rates, charges and regulations applicable during the period of suspension or shall make specific reference by Commission number to the tariff or supplement where they will be found.

(d) The regulations limiting the number of supplements which may be issued do not apply with respect to suspension supplements.

(e) If, upon final determination, the matter suspended is found not unlawful and the Commission directs that the order of suspension be vacated or the case be dismissed, the affected carrier shall issue a supplement announcing the vacation of the order of suspension and providing the proper publication of the rates, charges or regulations authorized, and otherwise comply with the orders of the Commission.

(f) The provisions of 66 Pa.C.S. § 1308(d) apply to every public utility described in 66 Pa.C.S. § 102 (relating to definitions), except common carriers of property.

Authority

The provisions of this § 23.114 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.114 amended November 18, 1977, 7 Pa.B. 3362; amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (213562) to (213563).

§ 23.115. Transportation free or at reduced rates.

(a) The granting, without unfair discrimination, by common carriers of free passes to their officers and employes, to be used for the transportation of dependent members of the families of such officers and employes, is not regarded by the Commission as unlawful.

(b) Free transportation, without unfair discrimination, by common carriers, in behalf of this Commonwealth, or on behalf of any municipality thereof, of policemen in the performance of their public duties, and similarly, free transportation without unfair discrimination, by common carriers, on behalf of any such municipality, of firemen in the performance of their public duties, is not regarded by the Commission as unlawful.

(c) All carriers of passengers for hire, except aircraft, authorized to operate within this Commonwealth, shall transport without charge dogs trained for the purpose of guiding blind persons, when accompanying such persons paying regular fare, provided that such guide dogs shall be properly leashed and muzzled and shall not occupy a seat in the conveyance.

§ 23.116. [Reserved].

Source

The provisions of this § 23.116 reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (213563).

§ 23.117. Rates charged for passenger transportation when price changes occur after reservations or purchases of service.

(a) *Charter service, applicable tariffs.* When a passenger carrier accepts a reservation for a charter trip, it shall record the date the reservation is accepted and quote the customer a price for the trip based on the tariff in effect on that date. The tariff in effect when the reservation is accepted shall apply to the trip, unless notice has been provided by the carrier under subsection (b) of this section.

(b) *Charter service, price increase.* If a new tariff setting a higher rate becomes effective more than 60 days prior to the date the charter trip is to depart, the carrier shall notify the customer in writing not less than 40 days prior to the departure date of the price under the new tariff and the customer's right to cancel the reservation and receive a refund of any deposit, subject to any tariff forfeiture provision established pursuant to subsection (c). The new tariff shall apply to the trip only if this notice is provided. If a new tariff setting a higher rate become effective within 60 days before the charter trip departs, the carrier shall not apply the new tariff.

(c) *Charter service, deposits.* The carrier's tariff may, as a condition of accepting a reservation to charter a vehicle, require a deposit of not more than 20% of the quoted charter price. The tariff may also provide for forfeiture of deposits within the following limitations:

(1) forfeiture of not more than 50% of the deposit if the charter is cancelled by the customer more than 15 but less than 30 days prior to the date the transportation was to depart, and

(2) forfeiture of not more than the total amount of the deposit if the cancellation occurs within 15 days prior to the date the transportation was to depart.

(d) *Other service.* Whenever any passenger carrier sells a ticket for transportation service, other than charter service, the tariff rate in effect at that time shall apply to any trip taken on that ticket before the ticket expires.

(e) *Tariffs.* All passenger carrier tariffs shall conform with the provisions of this section.

Source

The provisions of this § 23.117 adopted January 5, 1979, 9 Pa.B. 7.

**GRANTING OF POWER OF ATTORNEY AND ISSUING OF
CONCURRENCE IN TARIFFS OF COMMON CARRIERS**

§ 23.121. Filing of tariffs of joint rate.

(a) Tariffs of joint rates need only be filed with the Commission by one of the participant common carriers or its agents. The remaining participant common

carriers shall file evidence of concurrence therein or acceptance thereof in accordance with the rules and forms provided in this title.

(b) The forms prescribed shall be on paper 8 by 10 1/2 inches in size, and may be either printed or typewritten. The original of the form shall be filed with the Commission and a copy furnished to the carrier or agent in whose favor the instrument is issued.

(c) One of the following serial designations shall be used for power of attorney:

- (1) Pa. F 1 No. _____ (for household goods tariffs).
- (2) Pa. P 1 No. _____ (for passenger tariffs).

(d) One of the following serial designations shall be used for concurrences:

- (1) Pa. F 2 No. _____ (for household goods tariffs).
- (2) Pa. P 2 No. _____ (for passenger tariffs).

Authority

The provisions of this § 23.121 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 523, 1301, 1501 and 1504.

Source

The provisions of this § 23.121 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647; amended January 10, 2014, effective January 11, 2014, 44 Pa.B. 249. Immediately preceding text appears at serial pages (241223) to (241224).

Cross References

This section cited in 52 Pa. Code § 23.124 (relating to form for giving authority).

§ 23.122. Posting of tariffs.

A grant of authority to issue tariffs, under power of attorney or concurrence, does not relieve the carrier conferring the authority from posting tariffs in compliance with the provisions of this subchapter.

§ 23.123. Revocation of concurrence.

A concurrence may be revoked by filing with the Commission notice of the revocation, in duplicate, and serving a copy thereof upon the carrier to which such concurrence was given, at least 60 days in advance of the effective date shown on the notice of revocation.

§ 23.124. Form for giving authority.

(a) The form in subsection (c) shall be used to give authority to the following:

- (1) An attorney and agent to file tariffs and supplements.
- (2) An agent to receive concurrences for it.
- (3) Another agent to give and receive concurrences.

(b) The authorization may not be given to an association or bureau, except if incorporated and in instances other than covered by § 23.121 (relating to filing of tariffs of joint rate), shall name an alternate agent to act in the event of the death or disability of the principal agent and may not contain authority to delegate to another the power thereby conferred.

(c) The form shall be as follows: _____

(Name of carrier
in full)

Date _____, 19__

Pa. H 1 No. (for household goods tariffs) or

Pa. P 1 No. (for passenger tariffs)

KNOW ALL MEN BY THESE PRESENTS:

That the (name of the carrier) has made, constituted, and appointed, and by these presents does make, constitute, and appoint (name of principal agent appointed) is 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 receive concurrences in, and to file, rate schedules and supplements thereto, as required of carriers by the Public Utility Law and by regulations established by the Pennsylvania Public Utility Commission thereunder, for the period of time, the traffic, and the territory specified below, and to accept service of any notice, order or process for it and on its behalf which may be issued in proceedings before the Commission involving the lawfulness of rates, charges, classifications or practices contained or proposed in tariffs or schedules so filed:

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 the same were done and performed by the said carrier, hereby ratifying and confirming all that its said attorney and agent may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder. And further, That the (name of carrier) has made, constituted and appointed, and by these presents does make, constitute and appoint as alternate (name of alternate agent appointed) its true and lawful attorney and agent, for said carrier and 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 death or disability of the said (here insert name of principal agent) to do and perform the same acts and exercise the same authority as hereinabove granted to (here insert name of principal agent.)

In witness whereof the said carrier has caused these presents to be signed in its name by its president and to be fully attested under its corporated seal by its sec-

retary, at _____ in the State of _____, on this ___ day of _____, in the year of our Lord nineteen hundred and ___.

(Name of carrier)

By _____

(Name of officer)

(Title of officer)

ATTEST (if a corporation)

Secretary

(d) The form contained in subsection (c) may be modified by omitting the words “(1) for it alone, and (2)” or “and (2) for it jointly with other carriers,” or “to receive concurrences in, and” or “and to file,” when the words are inapplicable. When used to give authority to an agent for the publication of a classification, a classification exception tariff, a rules or regulations tariff or a carrier directory, the power of attorney form should be modified by striking out the words “rate schedule” and substituting therefor the word or words “classification,” “classification exception tariffs,” or “rules and regulations tariff” and “carrier directory,” as the case may be.

Authority

The provisions of this § 23.124 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.124 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (213565) to (213566).

§ 23.125. Form for concurring in rate or fare tariffs.

The following form shall be used in concurring in rate or fare tariffs published by common carriers, or their appointed agents:

(Name of carrier in full)

Date _____, 19__

Pa. H 2 No. (for household goods tariffs) or

Pa. P 2 No. (for passenger tariffs)

To: PENNSYLVANIA PUBLIC UTILITY COMMISSION

P. O. Box 3265

HARRISBURG, PENNSYLVANIA 17105-3265

THIS IS TO CERTIFY that (name of carrier) assents to and concurs in the publication and filing of any (household goods or passenger) rate (or fare) tariff or supplements thereto which the (name of carrier) or its agent may make and file, and in which this company is shown as a participating carrier and hereby makes itself a party to and bound thereby insofar as such schedule or supplements

thereto contain rates (or fares) as described below:

until this authority is revoked by formal and official notice of revocation placed in the hands of Pennsylvania Public Utility Commission and of the carrier to which this concurrence is given.

(Name of carrier)

By _____

(Name of officer)

(Title of officer)

Authority

The provisions of this § 23.125 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.125 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (213567).

§§ 23.131—23.135. [Reserved].

Source

The provisions of these §§ 23.131—23.135 reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial pages (213567) to (213569).

CONTRACT CARRIERS

§ 23.141. Schedules of charges for contract carrier services.

Each contract carrier shall file with the Commission a schedule of its charges for contract carrier service rendered under each of its contracts pertaining to such service. Such schedule shall be filed within 30 days after the carrier has been notified that the Commission has approved the contract. The permit, or amendment to an existing permit, applicable to such contract will not be issued until such schedule is filed, and failure so to file within 30 days shall terminate the approval of the Commission and the right of the carrier to receive a new permit or amendment to an existing permit.

§ 23.142. Unit of time in carrier contracts.

In any contract or renewal contract submitted in support of an application for contract carrier permit or amendment to such a permit where the rate for service is based on time, the unit of time shall be one hour. Any schedule submitted in which the schedule of actual rates is based on any unit of time other than one hour will not be accepted.

§ 23.143. Separate schedules.

A separate schedule shall be filed for each contract. The construction and filing of such schedules shall comply with the provisions of this subchapter as to form and content, except that the designation in the upper right corner of the title page shall be "Contract Pa. P.U.C. No. ____;" the numbering to be consecutive beginning with number one (No. 1) as the initial filing.

§ 23.144. Minimum effective date for decreases.

No change effecting a decrease in charges shall bear an effective date less than 60 days after the date it is received by the Commission, unless special permission therefor has been previously obtained from the Commission. Such authority will be granted only upon a showing by the carrier that such reduction in charges is vital to the business of the carrier and that permission therefor will not be injurious to the public interest.

§ 23.145. Minimum filing date for other than decreases.

Schedules or supplements to schedules which do not propose decreases in charges formerly filed with the Commission may become effective not earlier than the date following that on which they are received by the Commission.

§ 23.146. Amended contracts accompanying proposed revisions.

In cases where the contracts approved by the Commission set forth specific rates for the service to be furnished thereunder, proposed revisions in charges shall be accompanied by an amended contract.

§ 23.147. Schedules published and filed in carrier's name.

Schedules shall be published and filed in the name of the individual carrier performing the transportation service. They shall not be filed in the name of an agent, and a contract carrier shall not participate by concurrence in rates named in any schedule filed by another contract carrier nor in any tariff filed by a common carrier.

§ 23.148. Filing of schedules with the Commission.

(a) Each contract carrier shall file with the Commission one copy of each schedule or supplement accompanied by a letter of transmittal listing the publi-

cations enclosed and addressed to the Bureau of Transportation and Safety, Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania 17105-3265.

(b) Postage or other charges shall be prepaid.

Authority

The provisions of this § 23.148 amended under the Public Utility Code, 66 Pa.C.S. § 501.

Source

The provisions of this § 23.148 amended February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (213570).

§ 23.149. [Reserved].

Source

The provisions of this § 23.149 reserved February 6, 1998, effective February 7, 1998, 28 Pa.B. 647. Immediately preceding text appears at serial page (213570).

APPENDIX I. [Reserved]

The provisions of this Appendix I reserved March 29, 1996, effective March 30, 1996, 26 Pa.B. 1379. Immediately preceding text appears at serial page (120404).

[Next page is 27-1.]

23-34

(241230) No. 281 Apr. 98

Copyright © 1998 Commonwealth of Pennsylvania