

SK

**ORIGINAL**

Decision No. 72277

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into the rates,  
operations and practices of  
ALL BULK COMMODITIES TRANSPORTERS,  
INC., a corporation.

Case No. 8543  
(Filed October 11, 1966)

Joseph G. Nauyokes, for respondent.  
John C. Gilman and Richard Carlin, for the  
Commission staff.

O P I N I O N

By its order dated October 11, 1966, the Commission instituted an investigation into the rates, operations, and practices of All Bulk Commodities Transporters, Inc., hereinafter referred to as respondent.

Public hearing was held before Examiner Porter at Los Angeles on February 7, 1967, and the matter was submitted.

Respondent conducts operations as a dump truck carrier pursuant to a highway contract carrier permit. It owns and operates 25 tractors, 46 semitrailers, 1 truck and 2 transfer units. It employs 20 drivers and 1 mechanic and 1 office manager. Respondent has a terminal in Los Angeles, California. Respondent's gross operating revenue for the period October 1965 through September 1966 was \$850,585. Respondent was served with Minimum Rate Tariffs Nos. 7 and 17 and Directory 1, together with all supplements and additions thereto.

A representative of the Commission's Field Section checked all of respondent's records for the months of December 1965, January and February 1966. In all 364 freight bills were reviewed and 21 selected as representative. The documentation for these 21 shipments was copied and introduced in evidence as Exhibit No. 1.

The Commission staff introduced evidence that from the freight bills in Exhibit No. 1 it was impossible to determine the applicable minimum rates.

As shown by Exhibit No. 2 introduced in evidence by the staff the respondent failed to include various information on shipping documents as required by Item 480(a) of Minimum Rate Tariff No. 17. In the main these were: failure to include point of origin, production area, point of destination and description of shipment.

A representative for the respondent testified that the tariff regulations regarding documentation are complex and that he attempts through meeting with drivers and subhaulers to educate them as to the necessity to include the required information on the documents so that they may be properly rated.

The Commission finds that:

1. Respondent operates pursuant to highway contract carrier permit.
2. Respondent was served with Minimum Rate Tariffs Nos. 7 and 17 and Directory 1, together with all supplements and additions thereto.

3. Respondent has not properly completed and executed freight documents as required by Minimum Rate Tariff No. 17 in the instances set forth in Exhibit No. 1.

The Commission concludes that:

1. Respondent violated Sections 3704 and 3737 of the Public Utilities Code.

2. Respondent's operating authority should be suspended pursuant to Section 3774 of the Code, for a period of one year with the execution thereof deferred during said one-year period. If, at the end of the one-year period the Commission is satisfied that respondent is in substantial compliance with the documentation requirements in issue, the suspension will be vacated without further order of the Commission.

The staff of the Commission will make a subsequent field investigation to determine whether respondent is complying with the documentation requirements in issue. If there is reason to believe that respondent is continuing to violate said provisions, the Commission will reopen this proceeding for the purpose of formally inquiring into the circumstances and for the purpose of determining whether the one-year suspension or any further sanctions should be imposed.

O R D E R

IT IS ORDERED that:

1. Highway Contract Carrier Permit No. 19-58366 issued to All Bulk Commodities Transporters, Inc., a corporation, is hereby

suspended for a period of one year; provided, however, that the execution thereof is hereby deferred pending further order of this Commission. If no further order of this Commission is issued affecting said suspension within one year from the date of issuance of this decision, the suspension shall be automatically vacated.

2. Respondent shall cease and desist from violating the documentation provisions of the Commission's minimum rate tariffs.

The Secretary of the Commission is directed to cause personal service of this order to be made upon respondent. The effective date of this order shall be twenty days after the date of completion of such service.

Dated at San Francisco, California, this 11<sup>th</sup> day of APRIL, 1967.

*John E. Lutz*  
President  
*William W. Brown*  
*Augustus*  
*William A. Brown, Jr.*  
*John P. Morrissey*  
Commissioners