

IS

ORIGINAL

Decision No. 83975

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into the operations,)
rates and practices of Union Trans-)
portation Company, a California)
corporation; Interpace Corporation,)
a foreign corporation; Vita Bark)
Division of D G Shelter Products)
Company, a California corporation)
and Johns-Manville Products Corpor-)
ation, a foreign corporation.)

Case No. 9825

AMENDED ORDER INSTITUTING INVESTIGATION

It appearing that Union Transportation Company, a California corporation, hereinafter referred to as respondent Union, whose mailing address is Post Office Box 2347, Sacramento, California, is engaged in the business of transporting property over the public highways of this State for compensation, holding a Radial Highway Common Carrier Permit issued August 1, 1947, a Highway Contract Carrier Permit issued August 1, 1947, a Dump Truck Carrier Permit issued January 7, 1970 and a Cement Carrier Certificate granted by Resolution 13821, Sub. No. 19 on June 23, 1964 in Application No. 46450; and

It further appearing that respondent Union may have violated Sections 3664, 3667, 3668 and 3737 of the Public Utilities Code as a highway permit carrier; and

It further appearing that Interpace Corporation, a foreign corporation, whose California agent is United States Corporation Company, 6430 Sunset Boulevard, Suite 1216, Los Angeles, California; D G Shelter Products Company, Vita Bark Division, a California corporation, Number 1 Maritime Plaza, San Francisco, California; Johns-Manville Products Corporation, whose California

agent is Prentice-Hill Corporation System, Inc., Number 1 Maritime Plaza, Suite 950, Alcoa Building, San Francisco, California, hereinafter referred to as respondent shippers, having received service from respondent Union over the public highways of this State for compensation and as such are shippers of property; and good cause appearing,

IT IS ORDERED that an investigation on the Commission's own motion is hereby instituted into the highway permit operations, rates and practices of respondent Union for the purpose of determining:

1. Whether respondent Union has violated Sections 3664, 3667, 3668 and 3737 of the Public Utilities Code by charging less than the minimum rates as set forth in Minimum Rate Tariff No. 2, including its failure to comply with the requirements of rules established in Items 210, 172, 255, 70 and 60 of Minimum Rate Tariff No. 2 for said operations.

2. Whether respondent shippers have paid less than the applicable rates and charges for the transportation performed by respondent Union.

3. Whether respondents Interpace Corporation and D G Shelter Products Company, Vita Bark Division, have violated Section 3669 of the Public Utilities Code by seeking to obtain or obtaining transportation of property at less than the applicable minimum rates and charges.

4. Whether any sum of money is now due and owing to respondent Union from respondent shippers.

5. Whether respondent Union should be ordered to collect from respondent shippers, or from any other person liable therefor, the difference between the charges collected and the charges due under the aforementioned tariffs.

6. Whether respondent Union should be ordered to cease and desist from any and all unlawful operations and practices.

7. Whether the operating authority of respondent Union as a highway permit carrier should be canceled, revoked or suspended, or as an alternative whether a fine should be imposed pursuant to Public Utilities Code Section 3774.

8. Whether a fine in the amount of the undercharges should be imposed pursuant to Public Utilities Code Section 3800.

9. Whether any other order or orders that may be appropriate should be entered in the lawful exercise of the Commission's jurisdiction.

The scope of the above investigation includes, but is not limited to, the following transportation:

SHIPMENTS FOR INTERPACE CORPORATION

<u>Freight Bill No.</u>	<u>Date</u>	<u>Freight Bill No.</u>	<u>Date</u>
1498	7/25/73	3041	12 6/73
1499	7/30/73	3088	12 7/73
1563	8/ 1/73	3089	12/11/73
1692	8/ 8/73	3198	12/19/73
1693	8/ 8/73	3202	12/19/73
1694	8/ 8/73	3273	12/20/73
1695	8/ 8/73	3264	12/28/73
1634	8/10/73	3268	1/ 3/74
1690	8/15/73	3348	1/ 9/74
1822	8/22/73	3287	1/10/74
2085	8/30/73	3296	1/11/74
2038	9/11/73	3291	1/11/74
2123	9/18/73	3292	1/11/74
2210	9/27/73	3294	1/11/74
2051	9/13/73	3306	1/11/74
2262	10/ 1/73	3318	1/15/74
2307	10/ 2/73	3319	1/15/74
2430	10/ 2/73	3324	1/15/74
2323	10/ 3/73	3350	1/15/74
2426	10/ 5/73	3454	1/16/74
2519	10/11/73	3331	1/16/74
2538	10/19/73	3335	1/17/74
2692	10/19/73	3336	1/17/74
2579	10/26/73	3337	1/17/74
2661	10/30/73	3354	1/18/74
2958	11/27/73	3355	1/18/74
3042	12/ 4/73	3356	1/18/74

<u>Freight Bill No.</u>	<u>Date</u>	<u>Freight Bill No.</u>	<u>Date</u>
3386	1/21/74	3744	2/28/74
3374	1/21/74	3742	3/ 1/74
3393	1/22/74	3766	3/ 4/74
3376	1/22/74	3774	3/ 5/74
3377	1/22/74	3780	3/ 7/74
3378	1/22/74	3786	3/ 7/74
3394	1/24/74	3812	3/11/74
3395	1/24/74	3810	3/12/74
3396	1/24/74	3823	3/13/74
3448	1/28/74	3927	3/13/74
3642	2/11/74	3876	3/14/74
3600	2/12/74	3875	3/18/74
3641	2/14/74	3933	3/21/74
3749	2/20/74	3902	3/25/74
3748	2/21/74	3934	3/26/74
3727	2/21/74	4012	4/ 2/74
3673	2/22/74	3960	4/ 2/74
3696	2/25/74	3964	4/ 3/74
3703	2/26/74	4014	4/ 4/74
3709	2/27/74	4073	4/ 8/74
3711	2/28/74	4068	4/11/74

SHIPMENTS FOR D G SHELTER PRODUCTS COMPANY
VITA BARK DIVISION

<u>Freight Bill No.</u>	<u>Date</u>	<u>Freight Bill No.</u>	<u>Date</u>
2283	9/11/73	2797	11/ 5/73
2282	9/11/73	2770	11/ 8/73
2280	9/18/73	2944	11/21/73
2281	9/21/73	2943	11/27/73
2279	9/25/73	3816	3/11/74
2458	9/27/73	3871	3/12/74
2514	10/15/73	3930	3/12/74
2615	10/16/73	3872	3/14/74
2616	10/18/73	3870	3/14/74
2614	10/25/73	3931	3/26/74
2702	10/29/73	3981	3/28/74
2737	11/ 2/73	3982	3/29/74
2315	9/25/73	4010	4/ 2/74
3311	12/27/73	4037	4/ 5/74
3507	1/23/74	3508	1/30/74
3509	1/29/74	3511	2/ 1/74
		3743	2/20/74

SHIPMENT FOR JOHNS-MANVILLE
PRODUCTS CORPORATION

Freight
Bill No.

2339

Date

9/17/73

Public hearing in said investigation shall be held before such Commissioner or Examiner, and at a time and place to be hereafter designated.

The Secretary is directed to cause a certified copy of this order to be personally served upon respondent Union Transportation Company.

The Secretary is further directed to cause a certified copy of this order to be mailed forthwith to the shipper respondents.

Dated at San Francisco, California, this 7th day of JANUARY, 1976.

Hermon L. Sturgeon
President

William J. S. S. S.

Commissioners