

Decision 90 03 056 MAR 28 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Viking Freight System, Inc. for )  
permanent authority to depart from )  
those provisions of General )  
Order 155, 148, and 139 that would )  
otherwise prohibit the electronic )  
transmission of Bills of Lading and )  
freightbills and the electronic )  
receipt of freightbill payment. )

ORIGINAL

Application 89-02-006  
(Filed February 3, 1989)

SECOND INTERIM OPINION

By Interim Decision (D.) 89-04-049 dated April 12, 1989 in this proceeding we granted Viking Freight System, Inc. (Viking) temporary authority to depart from those provisions of General Orders (GO) 139, 148, and 155 that would otherwise prohibit the electronic transmission of bills of lading and freight bills and electronic receipt of freight bill payments. The authority was scheduled to expire in one year. Viking had requested permanent authority to depart from the GOs; however, we authorized only the temporary departure because the request involved a radical departure from longstanding procedures.

The Commission's Transportation Division was directed to monitor the activity authorized, and to report to the Commission the results of its monitoring with a recommendation on whether the authority should be modified, terminated, or extended. The report was due 60 days prior to the expiration of the authority granted; i.e., by February 11, 1990. The authority was granted subject to conditions, one of which was that Viking would file progress reports with the Commission. The staff, after review, would determine whether to recommend permanent or limited-term authority.

By Petition For Modification of D.89-04-049, filed January 16, 1990 Viking has requested an extension of the authority granted by that decision for a period of an additional year. Viking states in support of its request that the Commission's Transportation Division staff met with Viking in December in order to assist the carrier in the preparation of the first written progress report. It was determined that the electronic data interchange (EDI) preparations have not progressed as rapidly as Viking and participating shippers had anticipated; that the program, in its current stage of development, would not provide the staff with sufficient data to prepare a report comprehensive enough to support a final decision from the Commission.

Viking maintains that the sought extension will allow Viking and participating shippers the time necessary to further develop the EDI services temporarily granted in D.89-04-049. The Transportation Division staff has recommended that in light of these circumstances, Viking's petition for extension of the authority for an additional year should be granted. The staff also recommends that Viking be directed to furnish the Commission with information on a quarterly basis stating which shippers have been engaged in or plan to use the EDI services provided by the carrier. This information will provide the staff and the Commission with an indication of whether the proposed EDI activities are in fact being used and are suitable to Viking's operations.

Findings of Fact

1. By D.89-04-049 Viking was granted interim authority to depart from the provisions of GO's 139, 148, and 155 to the extent necessary in order to implement the electronic transmission of bills of lading and freight bills and the electronic receipt of freight bill payments.

2. The authority granted by D.89-04-049 was granted for one year, subject to certain conditions, including Viking's filing of progress reports with the Commission. The Transportation Division

was to recommend whether the authority should be granted on a permanent, or extended on a limited term basis.

3. The EDI services sought to be implemented by Viking have not developed as quickly as the carrier believed they would. Viking requests an extension of the authority for an additional year. The staff recommends that the request set forth in Viking's Petition for Modification of D.89-04-049 be granted, subject to conditions.

4. Viking's petition was noticed in the Commission's Daily Transportation Calendar. No objection to the request has been received.

Conclusion of Law

The Petition for Modification of D.89-04-049 should be granted, subject to conditions. Since no objection to the petition has been received, this decision should be effective today.

SECOND INTERIM ORDER

IT IS ORDERED that:

1. The authority granted Viking Freight System, Inc. (Viking) by D.89-04-049 in this proceeding is extended for a period of one year beyond April 12, 1990, unless sooner modified, extended, or terminated by the Commission.

2. Viking shall furnish the Commission's Transportation Division with an original and 2 copies of quarterly reports commencing July 1, 1990, containing the names of the shippers who have been engaged by the carrier or plan to take part in its EDI services, and the number of transactions performed. The reports shall be submitted with transmittal letters referring to this proceeding and the decision authorizing the authority granted herein.

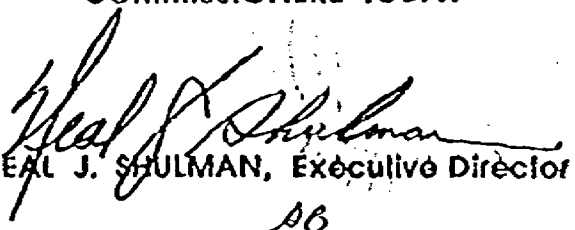
3. In all other respects, the terms and conditions of D.89-04-049 shall remain in full force and effect.

This decision is effective today.

Dated MAR 28 1990, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY

  
NEAL J. SHULMAN, Executive Director  
SB