

Decision 90-07-023 July 6, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Regulation of )  
General Freight Transportation by )  
Truck. )

I.88-08-046  
(Filed August 24, 1988)

O P I N I O N

Summary of Decision

This decision grants the petitions of Crescent Truck Lines, Inc. (Crescent) and Di Salvo Trucking Company (Di Salvo) for an extension of time to comply with the phase-out requirements of Decision (D.) 89-10-039 as modified by D.90-02-021.

The decision also grants similar extension to all remaining carriers which have not received such extensions.

Background

Ordering Paragraph 4 of D.89-10-039 as modified by D.90-02-021 ordered every less-than-truckload (LTL) carrier with 1988 California intrastate gross annual revenues exceeding \$10 million (Large Carriers) to phase out shipper-specific tariffs and rates including write-in tariffs, over a 90-day period beginning March 15, 1990. These Large Carriers were to bring such rates and tariffs into conformance over a period of 30, 60, and 90 days from March 15, 1990 (one-third of rates and tariffs for each period) on a schedule determined by the Commission's Transportation Division. All other carriers were ordered to bring such rates and tariffs into conformance within 120 days from March 15, 1990.

Four carriers, Viking Freight Systems, Inc., Con-Way Western Express, Inc., Willig Freight Lines, and Smizer Acquisition Corporation, have requested and received Commission approval to extend the schedule of their tariff phase-out until September 13, 1990. The Commission granted the extension by D.90-05-042 dated May 4, 1990. ✓

Since the issuance of D.90-05-042, the following carriers (petitioners) have filed petitions requesting extension of time to comply with Ordering Paragraph 4 of D.89-10-039:

Di Salvo Trucking Company (5/16/90)

Crescent Truck Lines, Inc. (6/4/90)

Petitioners contend that the Commission's proposed schedule for phase-out tariffs will cause them undue hardship. We have reviewed the pleadings and have determined that a 90-day extension of time similar to the one granted in D.90-05-042 is warranted. We will grant petitioners until September 13, 1990 to fully comply with Ordering Paragraph 4 of D.89-10-039. ✓

While we grant petitioners' request for extension, we believe that it would save the Commission considerable time and effort if all carriers are granted such extensions. Accordingly, we will grant every Large Carrier an extension until September 13, 1990 to phase out their shipper-specific tariffs and rates including write-in tariffs. All other carriers, which are required to phase out such rates and tariffs within 120 days from March 15, 1990, will also be granted an extension until September 13, 1990 to comply.

Finally, since we have granted a substantial extension to all carriers to phase out their tariffs, we will not entertain any further requests for extension. ✓

Findings of Fact

1. D.89-10-039 as modified by D.90-02-021 requires every Large Carrier to phase out shipper-specific tariffs and rates including write-in tariffs, over a 90-day period beginning March 15, 1990.

2. D.90-05-042 granted Viking Freight Systems, Inc., Con-Way Western Express, Inc., Willig Freight Lines, and Smizer Acquisition Corporation a 90-day extension of time to comply with the requirement noted in Finding of Fact 1. The authorized extension allows the carriers until September 13, 1990 to comply. ✓

3. Crescent and Di Salvo request 90-day and 120-day extensions, respectively, to comply with the requirement noted in Finding of Fact 1.

4. A 90-day extension, similar to the one granted by D.90-05-042, is warranted for Crescent and Di Salvo.

5. It will save the Commission considerable time and effort if all remaining carriers are granted such extensions.

Conclusions of Law

1. Petitioners should be granted an extension of time until September 13, 1990 (90 days) to fully comply with the schedule to phase out shipper-specific tariffs and rates which include write-in tariffs. ✓

2. All other carriers should also be granted an extension of time until September 13, 1990 to phase out shipper-specific tariffs and rates which include write-in tariffs.

3. Because it is important that affected parties be notified of our decisions herein as soon as possible, this order should be effective today.

O R D E R

IT IS ORDERED that:

1. The petitions of Crescent Truck Lines, Inc. and Di Salvo Trucking Company for an extension of time to comply with the phase-out requirements of D.89-10-039 as modified by D.90-02-021 are granted but only to the extent specified in Appendix A. They are denied in all other respects.

2. All other less-than-truckload carriers with 1988 California intrastate gross annual revenues exceeding \$10 million (Large Carriers) are granted an extension of time, as specified in Appendix A, to comply with the phase-out requirements of D.89-10-039.

3. The schedules for all Large Carriers, except Viking Freight System, Inc., Con-Way Express, Inc., Willig Freight Lines, and Smizer Acquisition Corporation, to phase out shipper-specific tariffs and rates which include write-in tariffs, previously established by the Director of the Commission's Transportation Division, are amended by Appendix A, attached.

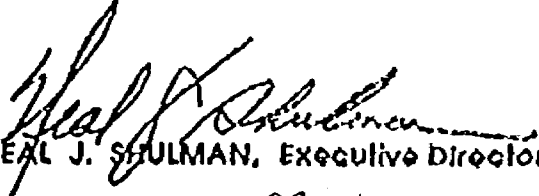
4. All other carriers are granted extension until September 13, 1990 to phase out their shipper-specific tariffs and rates including write-in tariffs.

This order is effective today.

Dated JUL 6 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  
PS

## APPENDIX A

Revised 7/6/90

TARIFF WITH WRITE-IN PROVISIONS  
SCHEDULED TO BE CANCELLED

DUE DATE	TARIFF NUMBER	ITEM NUMBER
CRESCENT TRUCK LINES, INC.		
08-09-90	20-4 CRNT	2241
08-09-90	20-4 CRNT	3100
08-09-90	20-4 CRNT	3215
08-09-90	20-4 CRNT	3220
09-13-90	20-4 CRNT	2240
09-13-90	20-4 CRNT	3200
09-13-90	20-4 CRNT	3210
09-13-90	20-4 CRNT	Section 3-A
DI SALVO TRUCKING CO.		
08-09-90	20-4 DSAL	320-3
08-09-90	20-4 DSAL	320-4
08-09-90	20-4 DSAL	320-5
09-13-90	20-4 DSAL	320-6
09-13-90	20-4 DSAL	320-7
09-13-90	20-4 DSAL	320-9
TNT BESTWAY TRANSPORTATION, INC.		
08-09-90	300 TNBW	4000
08-09-90	300 TNBW	4004
09-13-90	300 TNBW	4005
09-13-90	300 TNBW	4006

(END OF APPENDIX A)