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Decision 91-07-004 July 2, 1991

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.)

ORIGINALApplication 89-02-006
(Filed February 3, 1989)THIRD INTERIM OPINION

On February 3, 1989, Viking Freight Systems, Inc. (Viking) filed Application (A.) 89-02-006, requesting permanent authority to depart from the provisions of General Orders (GO) 139, 148 and 155 that would otherwise prohibit the electronic transmission of bills of lading and freight bills and the electronic receipt of freight bill payments. The Commission granted Viking a temporary departure from those GO provisions to the extent necessary to allow the carrier to provide the Electronic Data Interchange (EDI) services described in the application. This limited term authority was granted for a period of one year subject to a number of conditions set forth in Appendix B of Decision (D.) 89-04-049.

On January 16, 1990, Viking filed a petition requesting a one-year extension of the authority granted by D.89-04-049. The Commission granted the extension on March 28, 1990 with the added condition that "Viking shall furnish the Commission's Transportation Division with an original and two 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." Viking asserts it has submitted these reports to the

Commission's Transportation Economics and Analysis Branch for the four quarterly periods April 1, 1990 through March 31, 1991.

On May 2, 1991, Viking filed a petition to modify D.90-03-056 which requests another one-year extension. Viking states that while it has made significant progress in developing the electronic transmission of freight bills, the electronic transmission of bills of lading and freight bill payments have been hindered by the need for shipper and carrier software enhancements. As the carrier's first quarter 1991 EDI report indicates, Viking is on the verge of implementing a new EDI software product that will allow transferring its EDI transactions to its mainframe computer. This multi-threading capability will substantially increase the carrier's capacity to receive and process inbound bills of lading and freight bill payments.

Now that its first quarter 1991 EDI transactions have been compiled, Viking states, it has been advised that the Commission staff cannot yet support permanent authority to Viking for all EDI transactions referenced in the carrier's original A.89-02-006. Therefore, Viking requests that the Commission grant an extension of the temporary authority granted in D.89-04-049 and extended in D.90-03-056 for a period of one year commencing April 12, 1991. This extension would include all conditions set forth in D.90-03-056, (Second Interim Order) paragraphs 1 through 3.

Although significant progress has been made, Viking's program in its current state of development does not provide the Commission's staff with sufficient information to support a decision authorizing the permanent authority to provide these EDI services. Viking's request for an extension of the authority continued by D.90-03-056 should be granted for another year, commencing with the effective date of this decision.

Findings of Fact

1. By D.90-03-056, we extended for a period of one year the authority granted by D.89-04-049, involving the electronic transmission by Viking of bills of lading and freight bills, and the electronic receipt of freight bill payments.

2. Not all of the EDI services sought to be implemented by Viking have developed as quickly as the carrier believed they would. Viking requests an extension of the authority granted by D.90-03-056 for an additional year.

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

Conclusion of Law

Viking's petition for modification of D.90-03-056 should be granted. Since the authority granted by D.90-03-056 expired on April 12, 1991, the effective date of this order should be today.

THIRD INTERIM ORDER

IT IS ORDERED that:

1. The authority granted Viking Freight System, Inc. (Viking) by Decision (D.) 89-04-049, and extended by D.90-03-056 is extended for a period of one year beyond the effective date of this decision, 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, 1991, containing the names of the shippers who have been engaged by the carrier or who 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 granting this authority.

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

This order is effective today.

Dated July 2, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director