

Mailed

SEP 9 1991

Decision 91-09-004 September 6, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the operations,)
 rates, and practices of Rodgers)
 Transportation, Inc., an Arizona)
 corporation, and San Diego Wood)
 Preserving Co. and Selma Pressure)
 Treating Company, Incorporated,)
 California corporations, as Shipper)
 Respondents,)
)
 Respondents.)

ORIGINAL

I.90-06-037
(Filed June 20, 1990)

OPINION

This investigation was opened on June 20, 1990 to determine whether Rodgers Transportation, Inc., provided transportation service at rates less than applicable rates, and violated the Public Utilities Code and General Orders, in providing transportation to two shipper respondents, San Diego Wood Preserving Co. and Selma Pressure Treating Company, Inc.

In its investigation the Transportation Division has determined that Rodgers Transportation, Inc. no longer has liability insurance and is out of business. The Transportation Division accordingly revoked its highway carrier permit, and recommends that the investigation be closed.

In recently issued Leopard Trading Co. (Leopard), Decision 91-03-038 in Investigation (I. or OII) 89-05-015, Leopard, the subject of an OII, became insolvent and ceased to do business. The Commission revoked Leopard's operating authority for failure to pay fees, and dismissed the OII on condition that if Leopard seeks to be reinstated or seeks operating authority, the issues set forth in the OII must first be resolved.

We have decided that the Leopard solution should be applied here.

Findings of Fact

1. The public interest will not be adversely affected if this matter is dismissed subject to the condition discussed above.

2. The operating authority referred to above has been revoked. Rodgers Transportation, Inc. is no longer engaged in transporting property for compensation.

Conclusion of Law

I.90-06-037 should be dismissed on the condition that should Rodgers Transportation, Inc. seek to be reinstated or seek operating authority from this Commission, the issues surrounding the undercharges and violations of the Public Utilities Code and potential fines, as set forth in the OII, must first be resolved.

ORDER

IT IS ORDERED that Order Instituting Investigation 90-06-037 is dismissed on the condition that should Rodgers Transportation, Inc. seek to be reinstated or seek operating authority from this Commission, the issues set forth in the OII filed June 20, 1990 must first be resolved.

This order becomes effective 30 days from today.

Dated September 6, 1991, at San Francisco, California.

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

I abstain.

/s/ G. MITCHELL WILK
Commissioner

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


NEAL J. SHULMAN, Executive Director