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Decision 92-02-015 February 5, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of  
MATHESON FAST FREIGHT, INC., for  
Authority to Depart from the  
Requirements of General Order No.  
147-C, with Respect to Contract  
Renewals.

Application 91-11-044  
(Filed November 8, 1991)

ORIGINAL

O P I N I O N

Matheson Fast Freight, Inc. (MFAF) is a regional common and contract carrier serving the states of California and Nevada, and operating in California as a highway common carrier and as a contract carrier under CAL T-142,777.

MFAF offers service under contracts which comply with General Order (GO) 147-C, Rule 6. In conducting its contract carrier operations, MFAF utilizes contracts substantially in compliance with the provisions affecting special contracts as established in Decision (D.) 89-10-039, as modified by D.90-02-021. MFAF currently has approximately 175 contracts in force and on file with the Commission, as required by GO 147-C. These contracts specifically provide that the effective dates shall run from either a specified date or 20 days after appearance in the Commission's Daily Transportation Calendar for a period of one year from commencement. MFAF seeks authority to add a provision to its contracts which states that contract renewals need not be executed by the shipper, but, instead, can be implemented by a notice to be provided to the affected shipper and filed with the Commission. MFAF proposes this annual renewal to be accomplished by service and filing of renewal notices.

In accordance with GO 147-C, every contract shall, among other requirements, contain the signature of the shipper and specify the date the contract is executed and its duration.

Rule 6.10 of GO 147-C provides that contract supplements or amendments shall contain the signatures of the shipper and carrier, and Rule 6.14 provides that special contracts, as defined in Rule 3.18 shall have a term of one year and be renewable by amendments. Currently, MFAF complies in every respect with these requirements, but has found that it is often difficult and burdensome to obtain an actual shipper signature on each contract renewal for each of its special contracts. For this reason, MFAF requests, with respect to contract renewals, a departure from the requirements of Rule 6.10 in GO 147-C to allow renewal of its contracts by use of the notices attached to its application without the need for an actual signature of the shipper.

MFAF's proposed form of special contract as well as the notices to be provided to shippers and filed with the Commission have clauses which notify shippers of the new procedures proposed for contract renewals. In this manner, according to MFAF, an unnecessary administrative burden will be relieved without affecting, in any way, the notice provided to the public and the Commission of the renewal; the opportunity for protests; the opportunity for the Commission's staff to review the contract; or, the applicable provisions of contract law.

MFAF proposes to file contract renewals in accordance with all of the provisions of GO 147-C; proposes to provide the same notice to the Commission and to the public; and intends to comply in all other respects with the requirements of the Code and the Commission's General Orders in utilizing the proposed extensions. Only with respect to the actual, physical act of obtaining a signature does it request a departure from the rules.

For all the reasons set forth above, MFAF requests authority from the Commission to depart from the provisions of GO 147-C to the extent necessary to allow it to renew special contracts for additional one-year periods utilizing the renewal

form attached to its application without obtaining the signature of the shipper.

Notice of the filing of the application appeared in the Daily Calendar on December 10, 1991. There are no protests. A public hearing is not necessary.

Findings of Fact

1. It is often difficult and burdensome for MFAF to obtain an actual shipper signature on each contract renewal for each of its special contracts.

2. MFAF's proposed form of special contract as well as the notices to be provided to shippers and filed with the Commission have clauses which notify shippers of the fact that the shipper's signature will not be required on contract renewals, but will be implemented by notice to the shipper and filed with the Commission.

3. MFAF's proposal is reasonable.

The Commission concludes that MFAF should be authorized to deviate from GO 147-C to the extent that it need not obtain the signature of its shipper on contract renewals for additional one-year periods, but may use the notices attached to its application and serve notice on its shipper and this Commission.

O R D E R

IT IS ORDERED that Matheson Fast Freight, Inc. may deviate from GO 147-C to the extent that when extending its special contracts for additional one-year periods it may dispense with the shipper's signature on the contract renewal notice and shall give

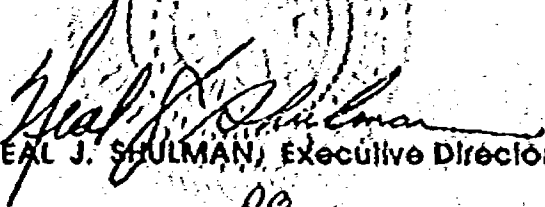
notice of the contract renewal to its shipper and to the Commission, using the forms set forth in its application.

This order is effective today.

Dated February 5, 1992, at San Francisco, California.

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

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

  
NEAL J. SHULMAN, Executive Director