

SEP, 3 1992

Decision 92-09-009 September 2, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
 own motion into the operations,  
 rates, and practices of Gifford  
 Trucking, Inc., a California  
 corporation, Robert F. Gifford, an  
 individual formerly doing business  
 as Gifford Trucking, regarding  
 transportation service performed  
 for Granite Construction Company,  
 a California corporation,

I.91-03-044  
 (Filed March 22, 1991)

Respondents.

O P I N I O N

This investigation filed March 22, 1991 was instituted to determine whether Gifford Trucking, Inc. and/or Robert F. Gifford provided transportation to Granite Construction Company at rates less than required by Minimum Rate Tariff 7-A.

The parties, including staff, have reached a stipulation, set forth in full in Appendix A. Staff recommends that the stipulation be adopted as the order of the Commission.

We have adopted the staff recommendation, and terminated the investigation.

Finding of Fact

The proposed stipulation is just and reasonable, and not adverse to the public interest.

Conclusions of Law

1. The terms of the stipulation should be adopted by order, and the investigation should be terminated.
2. The stipulation does not constitute an admission of any further liability or violation of law.

O R D E R

IT IS ORDERED that:

1. Granite Construction Company (Granite) shall pay the sum of \$5,000 on or before 30 days from today to Gifford Trucking, Inc. The payment by Granite shall constitute payment in full of any unpaid charges for all transportation specified in the investigation.

2. Gifford Trucking, Inc. shall pay to the Commission the sum of \$5,000 as a fine under Public Utilities Code § 3800 on or before 10 days after receiving said payment.

3. This investigation is terminated.

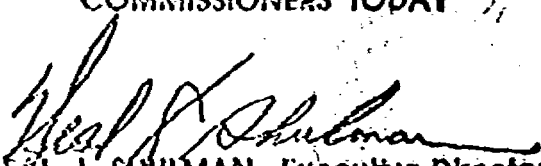
This order is effective today.

Dated September 2, 1992, at San Francisco, California.

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

Commissioner Patricia M. Eckert,  
being necessarily absent, did  
not participate.

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

  
NEAL J. SHULMAN, Executive Director

APPENDIX A  
Page 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own )  
motion into the operations, rates, and )  
practices of Gifford Trucking, Inc., a )  
California corporation, Robert F. )  
Gifford, an individual formerly doing )  
business as Gifford Trucking, )  
regarding transportation service )  
performed for Granite Construction )  
Company, a California corporation, )  
Respondents.)

Investigation 91-03-044  
(Filed March 22, 1991)

STIPULATION FOR SETTLEMENT

THE PARTIES TO THIS PROCEEDING now pending before the Public Utilities Commission, desiring to avoid the expense, inconvenience and uncertainty attendant to litigation of the issues in dispute between them have agreed upon a settlement of the said issues and desire to submit to the Public Utilities Commission this stipulation for approval and adoption as its final disposition of the matters herein.

NOW, THEREFORE, THE PARTIES DO STIPULATE AS FOLLOWS:

(1) Respondent Granite Construction Company ("Granite"), without admitting to any further liability or to any violation of any law, agrees that it will pay to Respondent Gifford Trucking, Inc., ("Gifford Inc") the sum of five thousand dollars (\$5,000.00) on or before the thirtieth calendar day following issuance of the Commission's final order approving and adopting the terms of this Stipulation for Settlement as its final disposition of the matters subject to this investigation. Said payment shall constitute payment in full of any unpaid charges for transportation that is the subject of this investigation.

(2) Respondent Gifford Inc, without admitting to any further liability or to any violation of any law, agrees that it will pay to the Commission as a fine pursuant to Section 3800 of the Public Utilities Code the sum of five thousand dollars (\$5,000.00) on or before the tenth calendar day following receipt of such sum from Respondent Granite as specified in paragraph (1), above.

APPENDIX A

Page 2

191-03-044

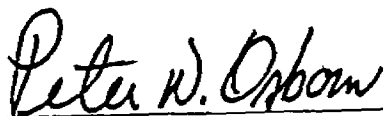
(3) The staff of the Public Utilities Commission, specifically the Compliance and Enforcement Branch of the Transportation Division ("the Staff"), agrees that it will not review any transportation records of Respondents Gifford Inc, Granite or Robert F. Gifford, other than records of transportation which is the subject of Investigation 92-02-05, through and including the date of this stipulation and that Respondents will have no further responsibility to the Staff for transportation performed for Granite by Gifford Inc and/or Robert F. Gifford, other than that which is the subject of Investigation 92-02-025, performed prior to the date of this stipulation.

(4) The Staff agrees with the terms of this stipulation and recommends to the Commission that these terms be accepted and that this proceeding known as Investigation 91-03-044 be terminated.

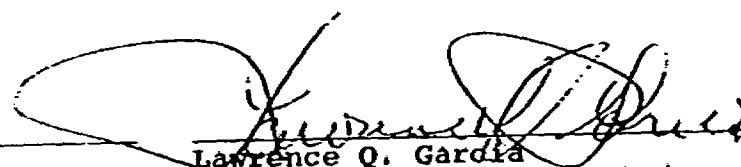
The parties enter into this agreement freely and voluntarily.

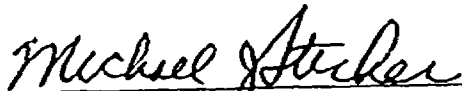
It is understood and agreed that the terms herein are binding when approved by the Commission.

Dated: 5/5/92



Peter N. Osborn  
Attorney at Law, Counsel for  
Gifford Trucking, Inc., and  
Robert F. Gifford  
SPRAY, GOULD & BOWERS  
3530 Wilshire Blvd., 15th Floor  
Los Angeles, CA 90010

  
Lawrence Q. Garcia  
Attorney at Law, Counsel for  
Compliance and Enforcement  
Branch of Transportation Division  
PUBLIC UTILITIES COMMISSION  
505 Van Ness Avenue  
San Francisco, CA 94102



Michael J. Stecher  
Attorney at Law, Counsel for  
Granite Construction Company  
SILVER, ROSEN, FISCHER & STECHER  
88 Kearny Street, Suite 1310  
San Francisco, CA 94108

(END OF APPENDIX A)