

DEC 16 1992

Decision 92-12-052 December 16, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the operations)
 and practices of Contractors Cargo)
 Co., a California corporation,)
)
 Respondent.)

ORIGINAL
 1.92-07-033
 (Filed July 22, 1992)

O P I N I O N

Contractors Cargo Co., a California corporation, transports property over California highways for compensation, pursuant to a highway common carrier certificate and highway contract, dump truck, agricultural, and heavy specialized carrier permits.

A staff investigation disclosed that Contractors may have failed to pay subhaulers in a timely manner and may have violated Public Utilities (PU) Code §§ 702 and 3737 and General Order 102-H. On July 22, 1992, the Commission issued its Order Instituting Investigation (OII) in this docket; and a copy was personally served upon Gerald Wheeler, president of Contractors, on August 4, 1992.

A settlement conference was held October 16, 1992; and after further negotiations between the parties a Stipulation for Settlement was signed by counsel for Transportation and by Wheeler on October 21 and 28, 1992, respectively. In full settlement of the issues in this case the parties agree that Contractors will pay to the Commission a fine of \$1,250, pursuant to PU § Code 3774, within 30 days after the date of issuance of the order approving the settlement agreement.

The Transportation Division agrees with the terms of the stipulation. It recommends that they should be accepted; that this

proceeding should be terminated; that henceforth Contractors should not be subject to any further sanctions or fines arising from transportation performed by it to and including the date of the stipulation; and that it should be relieved of liability for the payment of any amount other than that specifically agreed to be paid in the stipulation. A copy of the stipulation is appended.

Findings of Fact

1. The stipulation is reasonable, consistent with law, and in the public interest.

2. The stipulation is recommended by the Transportation Division.

3. The stipulation is uncontested.

Conclusions of Law

1. The stipulation should be adopted.

2. Since the case is resolved by stipulation, the following order should be effective immediately.

O R D E R

1. Contractors Cargo Co. shall pay to the Commission a fine of \$1,250, pursuant to Public Utilities Code §§ 3774, within 30 days after the date of this order.

2. Upon payment in full of the amount of the fine Contractors Cargo Co. shall thenceforth not be subject to any further sanctions or fines arising out of the transportation performed by it to and including the date of the stipulation; and it shall be relieved of liability for the payment of any amount other than the amount agreed to be paid in the stipulation.

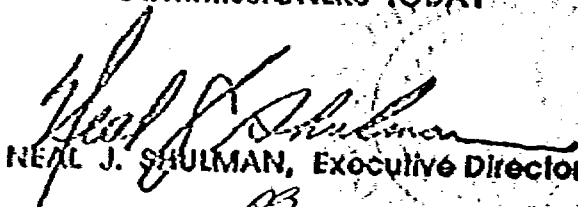
3. This investigation is terminated; and the docket is closed.

This order is effective today.

Dated December 16, 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

APPENDIX

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations and
practices of CONTRACTORS CARGO
COMPANY, a California corporation,

Respondent.

I. 92-07-033

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.

In addition, since this STIPULATION represents a compromise by the Parties, the Parties have entered into it on the basis that the Commission's adoption of said STIPULATION not be construed as an admission or concession by any party regarding the facts or law in dispute in this proceeding. Furthermore, it is the intent and understanding of the parties that Commission adoption of this STIPULATION will not be construed as a precedent or policy statement of any kind for or against the Parties in any current or future proceeding.

APPENDIX

NOW, THEREFORE, THE PARTIES DO STIPULATE AS FOLLOWS:

1. Respondent CONTRACTORS CARGO COMPANY agrees to pay an amount to be deposited with the Public Utilities Commission ("Commission") in the sum of \$1,250 pursuant to Section 3774 of the Public Utilities Code. Payment in full is due 30 days after 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.

2. The staff of the Public Utilities Commission, specifically the Compliance and Enforcement Branch of the Transportation Division, agrees with the terms of this stipulation and recommends to the Commission that these terms be accepted, that this proceeding known as I. 92-07-033 be terminated, that the respondent in I. 92-07-033 shall henceforth not be subject to any future sanctions or fines arising from transportation performed by CONTRACTORS CARGO COMPANY to and including the date of this Stipulation, and be relieved of liability for the payment of any amount other than that specifically agreed to be paid in this stipulation.

3. The parties enter into this agreement freely and voluntarily.

APPENDIX

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

G. J. Wheeler 10/28/92
 Signature Date
 Gerald J. Wheeler, President
 CONTRACTORS CARGO COMPANY
 500 So. Alameda Street
 Compton, CA 90221

Lawrence Q. Garcia 09.21.11
 Signature Date
 Lawrence Q. Garcia
 Attorney at Law, Counsel for
 Compliance and Enforcement Branch
 of Transportation Division

(END OF APPENDIX)