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EX-3

L/JA/lmz

FILED
PUBLIC UTILITIES COMMISSION

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates, and practices of C & A TRUCKING, a California corporation, and Domtar Gypsum America, Inc., a California corporation, as Shipper Respondent,

Respondents.

JAN 24 1990

SAN FRANCISCO OFFICE
C. I. 90 01 028

ORIGINAL

ORDER INSTITUTING INVESTIGATION

C & A Trucking (C & A), respondent carrier, whose mailing address is 7901 Derby Lane, Cotati, California 94928, is engaged in the business of transporting property over the public highways of this state for compensation. C & A operates pursuant to a highway common carrier certificate and a highway contract carrier permit, both issued January 31, 1980, a cement contract carrier permit, issued July 23, 1985, a dump truck carrier permit issued December 31, 1969, and an agricultural carrier permit issued June 20, 1978.

The following respondent, hereinafter referred to as "respondent shipper", has received services from respondent C & A Trucking in the form of transportation of property over the public highways of this state for compensation, and as such is a shipper of property:

RESPONDENT SHIPPER

Domtar Gypsum America, Inc.
1221 Broadway, Suite 700
Oakland, CA 94612

PROCESS AGENT

C. T. Corporation System
818 West 7th St., Ste. 1004
Los Angeles, CA 90017

It appears that respondent C & A may have provided the respondent shipper with transportation services over the public highways of this state for compensation at rates less than the applicable rates; and

It further appears, after Commission staff review of relevant documents and records, that the above named carrier may have violated Section 494 of the Public Utilities Code. On May 20, 1988, an undercharge citation and a citation forfeiture, with fines of \$ 3,997.18 and \$ 1,000.00 respectively, were served on the respondent carrier. The citations were denied.

Good cause appearing; therefore,

IT IS ORDERED that an investigation on the Commission's own motion is hereby instituted into the operations, rates, charges, and practices of respondent C & A and the respondent shipper for the purpose of determining:

1. Whether respondent C & A has violated Section 494 of the Public Utilities Code by failing to charge respondent shipper the applicable rates.

2. Whether in addition to the transportation records listed in Attachment A, respondent C & A should be ordered to review its records for the period July 1, 1987 to and including September 30, 1987 for the purpose of ascertaining the amount of undercharges on shipments of gypsum wallboard transported during said period.

3. Whether in the event that sums less than the applicable rates are found to have been charged, collected or received, during the period April 1, 1987 to and including September 30, 1987, a fine in the amount of the undercharges should be imposed upon respondent C & A pursuant to Section 2100 of the Public Utilities Code;

4. Whether respondent C & A should be ordered to collect from the respondent shipper the difference between payments actually received and the applicable rates and charges pursuant to Section 2100 of the Public Utilities Code;

5. Whether any or all of respondent C & A's operating authority should be cancelled, revoked, or suspended, or in the alternative, a fine imposed pursuant to Section 1070 of the Public Utilities Code.

6. Whether respondent C & A should be ordered to cease and desist from any and all unlawful operations and practices.

7. Whether any other orders that may be appropriate should be entered in the lawful exercise of the Commission's jurisdiction.

A public hearing in this matter shall be held before an Administrative Law Judge of the Commission at a time and place to be determined, at which time and place all interested parties may appear and be heard.

The Executive Director is directed to cause a certified copy of this order to be served by mail on all respondents, both the shipper and C & A Trucking. The Executive Director is also directed to cause a certified copy of this order to be served personally forthwith on respondent C & A Trucking.

This order is effective today.

Dated January 24, 1990 at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

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

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

ps

C & A TRUCKING
Cotati

T-92,367

DEBTOR: DOMTAR GYPSUM AMERICA, INC.
Oakland, California

Part No.	Freight Bill No.	Date
1	31383	4-10-87
2	30568	4-14-87
3	30575	4-15-87
4	30571	4-21-87
5	30573	4-21-87
6	30574	4-27-87
7	31388	4-27-87
8	31392	4-27-87
9	31395	4-30-87
10	31396	5-12-87
11	31490	5-13-87
12	31601	5-15-87
13	31671	5-15-87
14	31672	5-19-87
15	32526	5-20-87
16	32527	5-21-87
17	32528	5-31-87
18	32530	5-31-87
19	32756	6-23-87
20	32757	6-25-87
21	32849	6-25-87
22	32850	6-29-87
23	33001	6-29-87
24	33002	6-29-87
25	30572	4-21-87
26	31892	5-11-87

End of Attachment A