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**ORIGINAL**

EX-7

L/IRA:ddb

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
PUBLIC UTILITIES COMMISSION

Investigation on the Commission's own motion into the operations, rates, and practices of John C. Dias, Darlene C. Dunsing and Shane Dunsing, a partnership dba D D Transportation and Continental Pacific, a California corporation and Amarant Wood Products, a California corporation as Shipper Respondents,

Respondents.

JAN 24 1990

SAN FRANCISCO OFFICE  
JAN 24 90 01 030

**ORIGINAL**

**ORDER INSTITUTING INVESTIGATION**

John C. Dias, Darlene C. Dunsing and Shane Dunsing dba D D Transportation (Respondent Carrier) (D D) whose mailing address is P.O. Box 883 (101 S. G St. Arcata) Arcata, California 95521, is engaged in the business of transporting property over the public highways of this state for compensation. D D operates pursuant to a highway contract carrier permit, a highway common carrier certificate, a heavy specialized carrier permit and an agricultural carrier permit. All authorities were issued June 25, 1986.

The following respondents, hereinafter referred to as "respondent shippers", have received services from respondent D D in the form of transportation of property over the public highways of this state for compensation, and as such are shippers of property:

**RESPONDENT SHIPPER**

Continental Pacific  
3333 Watt Avenue  
Sacramento, CA 95821

Amarant Wood Products  
4935 Boyd Road  
Arcata, CA 95521

**PROCESS AGENT**

Cinnamon & Casteron, Inc.  
1515 River Park Dr., 2nd Flr.  
Sacramento, CA 95815

Steve Amarant  
4935 Boyd Road  
Arcata, CA 95521

The scope of this investigation includes, but is not limited to, transportation performed by respondent D D as

represented by the freight bills identified in Attachments A and B respondent shippers), and all supporting documents.

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

It further appearing, after Commission staff review of relevant documents and records, that the above named carrier may have violated Sections 494, 702 and 1074 of the Public Utilities Code.

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 D D and the respondent shippers for the purpose of determining:

1. Whether respondent D D has violated Section 702 of the Public Utilities Code by failing to obtain a weighmaster certificate or each shipment as required by Item 1470 of Pacific Coast Tariff Bureau, Agent, Local Freight Tariff No. 22 (PCTB 22).

2. Whether respondent D D has violated Section 702 of the Public Utilities Code by failing to issue, obtain and retain split delivery documentation required by Item 1480 of PCTB 22.

3. Whether respondent D D has violated Section 702 of the Public Utilities Code by performing split pickups on split delivery shipments in violation of Item 330 of PCTB 22.

4. Whether respondent D D has violated Section 1074 of the Public Utilities Code by engaging subhaulers without having a bond on file with the Commission in violation of General Order 102-H.

5. Whether respondent D D has violated Section 494 of the Public Utilities Code by failing to charge respondent shippers the applicable rates.

6. Whether in addition to the transportation records listed in Attachments A and B, respondent D D should be ordered to review its records for the period July 1, 1987 to and including December 31, 1987 for the purpose of ascertaining the

amount of undercharges on shipments of lumber and roofing transported during said period.

7. Whether in the event that sums less than the applicable rates are found to have been charged, collected or received, during the period January 1, 1987 to and including December 31, 1987, a fine in the amount of the undercharges should be imposed upon respondent D D pursuant to Section 2100 of the Public Utilities Code;

8. Whether respondent D D should be ordered to collect from the respondent shippers the difference between payments actually received and the applicable rates and charges pursuant to Section 2100 of the Public Utilities Code;

9. Whether any or all of respondent D D's operating authority should be cancelled, revoked, or suspended, or in the alternative, a fine of up to \$ 5,000.00 for each offense be imposed pursuant to Sections 1070 and 2108 of the Public Utilities Code. Section 2108 of the Public Utilities Code provides that in case of a continuing violation, each day's continuance is a separate and distinct offense.

10. Whether respondent D D should be ordered to cease and resist from any and all unlawful operations and practices.

11. 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.

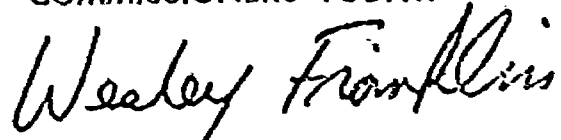
The Executive Director is directed to cause a certified copy of this order to be served by mail on all respondents, shippers, and John C. Dias, Darlene C. Dunsing and Shane Dunsing dba D D Transportation. The Executive Director is also directed to cause a certified copy of this order to be served personally forthwith on respondent John C. Dias, Darlene C. Dunsing and Shane Dunsing dba D D Transportation.

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, Acting Executive Director

ps

I.90-01-030

L/ddb

Attachment A

John C. Dias, Darlene C. Dunsing and Shane Dunsing dba  
D D TRANSPORTATION  
Arcata

T-151,739

DEBTOR: CONTINENTAL PACIFIC  
Sacramento, California

Freight Bill No.	Date
09492	3-05-87
09502	3-16-87
09506	3-19-87
09534	4-14-87
09554	4-28-87
00958	5-20-87
09589	5-26-87
09618	6-18-87
1109624	6-24-87

END OF APPENDIX A

## Attachment B

John C. Dias, Darlene C. Dunsing and Shane Dunsing dba  
D D TRANSPORTATION  
Arcata, California

T-151,739

DEBTOR: AMARANT WOOD PRODUCTS  
Arcata, California

Freight Bill No.	Date
009437	1-12-87
3488	1-12-87
3487	1-12-87
3485	1-12-87
3484	1-12-87
009475	2-19-87
009475	2-19-87
218	2-19-87
217	2-19-87
009526	4-03-87
3026	4-03-87
3028	4-03-87
3027	4-03-87
3029	4-03-87
00955	5-01-87
3056	5-01-87
3055	5-01-87
3054	5-01-87
3053	5-01-87
3052	5-01-87
3051	5-01-87
009572	5-08-87
3066	5-08-87
3063	5-08-87
3064	5-08-87
0095	5-22-87
3084	5-22-87
3078	5-22-87
3078	5-22-87
3076	5-22-87

Freight Bill No.	Date
009603	6-05-87
3095	6-05-87
3094	6-05-87
3093	6-05-87
3092	6-05-87
3091	6-05-87
3090	6-05-87
3089	6-05-87
00956	6-06-87
009613	6-15-87
3104	6-15-87
3103	6-15-87
3102	6-15-87
00961	6-16-87
3106	6-16-87
3105	6-16-87
009625	6-25-87
3129	6-25-87
3130	6-25-87
3131	6-25-87
3132	6-25-87
3133	6-25-87
592	6-24-87
590	6-23-87
00956	Undated
3007	Undated
3008	Undated
3011	Undated
3009	Undated
3010	Undated

END OF APPENDIX B