

L/ddb *

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates, and practices of BUD-DEE WHOLESALE LUMBER, INC., a California corporation,

Respondent.

F I L E D
PUBLIC UTILITIES COMMISSION
SAN FRANCISCO OFFICE
FEBRUARY 23, 1990
I.90-02-045

ORIGINAL

ORDER INSTITUTING INVESTIGATION

BUD-DEE WHOLESALE LUMBER, INC., (Respondent Carrier) (BUD-DEE) whose mailing address is 8104 N. Cressey Way, Winton, California 95388, is engaged in the business of transporting property over the public highways of this state for compensation. BUD-DEE operates pursuant to a highway common carrier certificate and a highway contract carrier permit both issued January 31, 1980.

RESPONDENT CARRIER
Raymond B. Chase, CEO
Bud-Dee Wholesale Lumber, Inc.
8104 N. Cressey Way
Winton, CA 95388

It appears that respondent BUD-DEE may have provided six shippers with transportation services over the public highways of this state for compensation at rates other than its applicable filed tariff rates; and

It further appears, after Commission staff review of relevant documents and records, that the above named carrier may have violated Sections 494, 702 and 5003.1 of the Public Utilities Code. On April 1, 1989 a citation forfeiture, with a fine of 4,500.00 was served on the respondent carrier. The citation was 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 Bud-Dee Wholesale Lumber, Inc. for the purpose of determining:

1. Whether respondent Bud-Dee has violated Section 494 of the Public Utilities Code by failing to charge shippers the applicable rates in its tariff on file and in effect with the Commission.

2. Whether respondent Bud-Dee has violated Section 702 of the Public Utilities Code by failing to issue a freight bill and bill of lading for each shipment containing all of the information required by its tariffs on file with the Commission.

3. Whether respondent Bud-Dee has violated Section 702 of the Public Utilities Code by failing to obtain a weighmaster's certificate as required by its tariff on file with the Commission.

4. Whether respondent Bud-Dee has violated Section 5003.1 of the Public Utilities Code by failing to report gross operating revenues and remit quarterly fees to the Commission.

5. Whether any or all of respondent Bud-Dee's operating authority should be cancelled, revoked, or suspended, or in the alternative, a fine of up to \$ 5,000 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 continuing violation, each day's continuance is a separate and distinct offense.

6. Whether respondent Bud-Dee 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 respondent Bud-Dee Wholesale Lumber, Inc. The Executive Director is also directed

I.90-02-045

L/ddb

to cause a certified copy of this order to be served personally
forthwith on respondent Bud-Dee Wholesale Lumber, Inc.

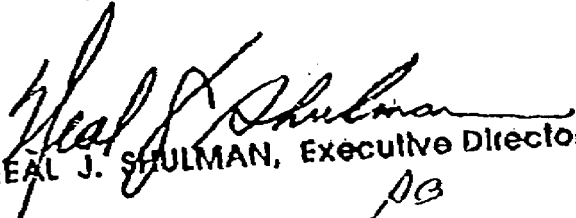
This order is effective today.

Dated February 23, 1990 at San Francisco, California.

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

Commissioner Stanley W. Hulett,
being necessarily absent, did
not participate.

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


NEAL J. STULMAN, Executive Director
JB

BUD-DEE WHOLESALE LUMBER, INC.
Willits

T-102,428

NT: These twelve listed shipments are representative of 113 shipments disclosed during the staff investigation.

DEBTOR: BRITT LUMBER CO., INC.
Arcata, California

Freight Bill No.	Date
12997	5-21-87
13006	5-26-87

DEBTOR: FAR WEST FIR SALES
Modesto, California

Freight Bill No.	Date
12972	5-11-87
12977	5-12-87

DEBTOR: LONGTREE INDUSTRIAL
Bellevue, Washington

Freight Bill No.	Date
12864	4-09-87
12884	4-16-87

DEBTOR: MICROPHOR, INC.
Willits, California

Freight Bill No.	Date
12906	4-22-87
12929	4-24-87

Attachment A

BUD-DEE WHOLESALE LUMBER, INC.
Willits

T-102,428

DEBTOR: NORTH PACIFIC LUMBER COMPANY
Portland, Oregon

Freight Bill No.	Date
13023	6-02-87
13040	6-08-87

DEBTOR: TRICON FOREST PRODUCTS, INC.
Bellévue, Washington

Freight Bill No.	Date
12960	5-06-87
13070	6-29-87

END OF APPENDIX A