

L/IRA:ddb

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE

FILED  
STATE OF CALIFORNIA  
PUBLIC UTILITIES COMMISSION

Investigation on the Commission's own motion into the operations, rates, and practices of William E. Lorence, Inc., a California corporation, doing business as BILL'S TRUCKING, ROGERS MOTOR EXPRESS and BOLTON TRUCK LINES, INC., and four shipper respondents listed in Attachment A.

JUN 6 1990

I, SAN FRANCISCO OFFICE  
NO. 7 90 06 004

ORDER INSTITUTING INVESTIGATION

It appearing that respondent William E. Lorence, Inc., a California corporation, doing business as BILL'S TRUCKING, ROGERS MOTOR EXPRESS and BOLTON TRUCK LINES, INC., (LORENCE), whose mailing address is 4753 East Olive, Fresno, California, 93702, is a highway carrier having been issued highway common carrier and highway contract carrier authorities in 1979.

It further appearing that respondent LORENCE has provided transportation of property over the public highways for compensation to respondents Southern Wine & Spirits of California, Inc., (SOUTHERN), Vanier Graphics Corporation, (VANIER), General Mills, Inc., (GENERAL) and Papel, Inc., (PAPEL) and as such they are shippers of property. Respondent shippers are further identified in Attachment A.

It appears that respondent shippers may have received services from respondent LORENCE at rates and charges less than the applicable rates and charges. It further appears, after Commission staff review of relevant documents and records, that the above named carrier may have violated Public Utilities Code Sections 458, 494, 3664, 3667, 3668, and General Order No. 147-A.

The scope of this investigation includes, but is not limited to, transportation performed by respondent LORENCE for respondent shippers as represented by the freight invoices identified in Attachment B, and all supporting documents; and

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 LORENCE and the respondent shippers for the purposes of determining:

1. Whether respondent LORENCE has violated Section 3737 of the Public Utilities Code by performing transportation services for respondent shipper SOUTHERN, without having a contract on file and in effect with the Commission as required by General Order 147-A.

2. Whether respondent LORENCE has violated Sections 458 and/or 494 by performing transportation services for respondents VANIER, GENERAL and/or PAPEL at rates and charges less than its tariff rates and charges.

3. Whether respondent LORENCE has violated Sections 3667 and 3668 of the Public Utilities Code by charging less than the applicable rates and charges for transportation performed for respondent shipper SOUTHERN.

4. Whether in the event that sums less than the applicable rates are found to have been charged, collected or received, from respondent SOUTHERN, a fine in the amount of the undercharges should be imposed upon respondent LORENCE pursuant to Section 3800 of the Public Utilities Code.

5. Whether in the event that sums less than the applicable rates are found to have been charged, collected or received, from respondents VANIER, GENERAL and/or PAPEL, a fine in the amount of the undercharges should be imposed upon respondent LORENCE pursuant to Section 2100 of the Public Utilities Code.

6. Whether respondent LORENCE should be ordered to review its transportation records for a further three month period to determine if any additional undercharges exists.

7. Whether respondent LORENCE should be ordered to collect from the respondent shippers the difference between the payments actually received and the applicable rates and charges pursuant to Sections 2100 and/or 3800 of the Public Utilities Code.

8. Whether any or all of respondent LORENCE'S operating authority should be cancelled, revoked, or suspended, or in the alternative, a fine imposed of up to \$20,000 pursuant to Section 3774 and/or \$5,000 pursuant to Section 1070, of the Public Utilities Code.

9. Whether respondent LORENCE should be ordered to cease and desist from any and all unlawful operations and practices.

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

11. The scope of the investigation includes, but is not limited to, transportation represented by the shipping documents listed in Attachment B and all supporting documents.

12. Respondents are placed on notice that under Sections 2108 and 3805 of the Public Utilities Code every violation is a separate and distinct offense and in case of a continuing violation each day's continuance thereof is a separate and distinct offense.

13. Whether in the exercise of the Commission's jurisdiction a penalty pursuant to Section 3804.1 of up to \$5,000 should be imposed upon respondent SOUTHERN for having knowingly and willfully violated the Public Utilities Code or any order decision, rule, regulation, direction, demand, or requirement issued by the Commission.

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.

I. 90-06-004

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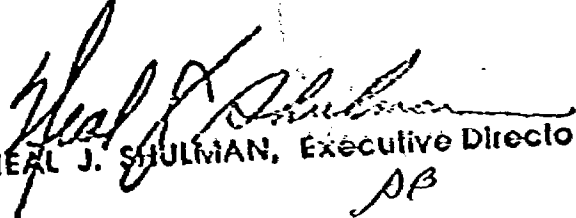
The Executive Director is directed to cause a certified copy of this order to be served personally forthwith on respondent LORENCE and to cause a certified copy of this order to be served by mail on the respondent shippers. This order is effective today.

Dated JUN 06 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. SHULMAN, Executive Director  
PB

William E. Lorencé, Inc.  
Fresno

T-107,367

RESPONDENT SHIPPERS

Southern Wine & Spirits of California, Inc., a California corporation  
Larry Chaplin, Process Agent  
17101 Valley View Blvd.  
Cerritos, CA 90701

Vanier Graphics Corporation, a California corporation  
425 South Rockefeller  
Ontario, CA 91761  
Process Agent:  
CT Corp. System  
818 West Seventh St.  
Los Angeles, CA 90017

General Mills, a foreign corporation  
P. O. Box 1113  
Minneapolis, MN 55440  
Process Agent:  
CT Corp. System  
818 West Seventh St.  
Los Angeles, CA 90017

Papel, Inc., a California corporation  
Stanley Papel, Process Agent  
7355 Lankershim Blvd.  
North Hollywood, CA 91605

William E. Lorence, Inc.  
Fresno

T-107,367

Debtor: Southern Wines & Spirits of California, Inc.

Invoice for January 1988, dated February 2, 1988  
Invoice for February 1988, dated March 1, 1988  
Invoice for March 1988, dated April 4, 1988

Debtor: Vanier Graphics Corporation

F/B	Date	Invoice #	Date
06-100905	3/09/88	38551	3/09/88
06-100807	2/11/88	38052	2/11/88
06-100755	1/22/88	unknown	unknown
06-100744	1/20/88	47455	1/20/88
06-100727	1/13/88	47328	1/13/88
06-100869	3/03/88	unknown	unknown
06-100856	3/01/88	unknown	unknown
06-100825	2/22/88	38300	2/22/88
06-100861	3/01/88	unknown	unknown
06-100838	2/25/88	38186	2/25/88
06-100814	2/17/88	38280	2/19/88
06-100791	2/05/88	37969	2/05/88
06-100719	1/12/88	47306	1/12/88
06-100812	2/13/88	38238	2/17/88
06-100781	2/01/88	37805	1/28/88
06-100971	4/01/88	unknown	unknown
06-100873	3/04/88	unknown	unknown
06-100841	2/29/88	63255	unknown
06-100837	2/24/88	63251	2/04/88
06-100824	2/19/88	63248	2/19/88
06-100792	2/04/88	63238	2/04/88
06-100790	2/08/88	63240	2/08/88
06-100764	1/26/88	63233	1/26/88
06-100762	1/26/88	58024	1/26/88
06-100726	1/18/88	63230	1/18/88
06-100720	1/12/88	63228	1/12/88

William E. Lorence, Inc.  
Fresno

T-107,367

## Debtor: General Mills

F/B	Date	Invoice #	Date
06-100698	1/01/88	28 10431	12/30/87
06-100700	1/01/88	28 10440	12/29/87
06-101058	4/28/88	28 10764	4/28/88
06-101036	4/22/88	28 10755	4/21/88
06-100934	3/21/88	28 10688	unknown
06-100705	1/01/88	52 00217	12/18/87
06-101035	4/22/88	52 01086	4/21/88
06-101029	4/21/88	52 01087	4/21/88
06-100904	3/15/88	52 00863	3/10/88
06-100935	3/22/88	79 03647	3/23/88
06-100695	1/06/88	52 00355	1/06/88
06-100991	4/13/88	52 01081	4/01/88
06-101004	4/12/88	52 01074	4/01/88
06-101003	4/15/88	42 10303	4/11/88
06-101037	4/22/88	42 10172	unknown
06-100988	4/12/88	52 01076	4/12/88
06-101059	4/28/88	unknown	unknown

## Debtor: Papel, Inc.

06-100843	2/23/88	JC 22388	2/22/88
06-100882	3/04/88	JC 22988	2/29/88
06-100737	1/13/88	JC 11388	1/13/88
06-100741	1/19/88	JC11988	1/19/88
06-100802	2/05/88	unknown	unknown
06-100749	1/21/88	JC 12188	1/21/88
06-100-75	1/25/88	JC 12588	1/25/88