

**ORIGINAL**

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EX-4

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 Rodgers Transportation, Inc., an Arizona corporation, and San Diego Wood Preserving Co. and Selma Pressure Treating Company, Incorporated, California corporations, as Shipper Respondents,

Respondents.

JUN 20 1990

SAN FRANCISCO OFFICE  
NO. I. 90 06 037

**ORIGINAL**

ORDER INSTITUTING INVESTIGATION

Rodgers Transportation, Inc. (Respondent carrier) (Rodgers), whose mailing address is P.O. Box 144 (1617 Highway 89 North) Chino Valley, Arizona 86323, is engaged in the business of transporting property over the public highways of this state for compensation. Rodgers operates pursuant to a highway contract carrier permit issued by this Commission October 19, 1987.

The following respondents, hereinafter referred to as "respondent shippers", have received services from respondent Rodgers 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

Mark N. Baker, Process Agent  
San Diego Wood Preserving Co.  
2010 Haffley  
National City, CA 92050

Selma Pressure Treating  
Company, Incorporated  
1735 Dockery Ave/P.O. Box 40  
Selma, CA 93662

PROCESS AGENT

Mary Ann Petery  
4355 N. Palm  
Fresno, CA 93704

It appears that respondent Rodgers 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.

It further appears, after Commission staff review of relevant documents and records, that the above named carrier may have violated Sections 3575, 3667, and 3737 of the Public Utilities Code; On August 9, 1989, an undercharge citation and a citation forfeiture, with fines of \$ 14,515.43 and \$ 2,000.00 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 Rodgers and the respondent shippers for the purpose of determining:

1. Whether respondent Rodgers has violated Section 3737 of the Public Utilities Code by performing transportation services for the respondent shippers without having a contract on file and in effect with the Commission as required by Rule 6.1 of General Order 47-A.

2. Whether respondent Rodgers has violated the bonding requirements of General Order 102-H and Section 3737 of the Public Utilities Code.

3. Whether respondent Rodgers has violated Section 3737 of the Public Utilities Code by engaging subhaulers who are not licensed by the Commission in violation of General Order 102-H.

4. Whether respondent Rodgers has violated Section 3737 of the Public Utilities Code by failing to issue a freight bill for each shipment containing all of the information required by Rule 5 of General Order 155.

5. Whether respondent Rodgers has violated Sections 3667 and 3737 of the Public Utilities Code, or any of those sections, by failing to charge respondent shippers the applicable rates.

6. Whether in addition to the transportation records listed in Attachments A and B, respondent Rodgers should be ordered to review its records for the period April 1, 1988 to and including September 30, 1988 for the purpose of ascertaining the amount of undercharges on shipments of poles and related articles 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 May 21, 1987 to and including September 30, 1988, a fine in the amount of the undercharges should be imposed upon respondent Rodgers pursuant to Section 3800 of the Public Utilities Code;

8. Whether respondent Rodgers should be ordered to collect from the respondent shippers the difference between payments actually received and the applicable rates and charges pursuant to Section 3800 of the Public Utilities Code;

9. Whether any or all of respondent Rodger's operating authority should be cancelled, revoked, or suspended, or in the alternative a fine imposed pursuant to Sections 3774 and 3805 of the Public Utilities Code.

10. Whether respondent Rodgers should be ordered to cease and desist 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,

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shippers and Rodgers Transportation, Inc. The Executive Director is also directed to cause a certified copy of this order to be served personally forthwith on respondent Rodgers Transportation, Inc.

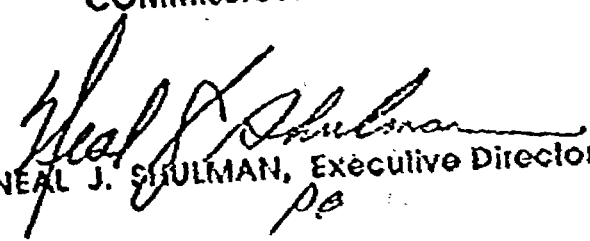
This order is effective today.

Dated JUN 20 1990 at San Francisco, California.

FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

President G. Mitchell Wilk,  
being necessarily absent, did  
not participate.

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

  
NEAL J. SHULMAN, Executive Director.

I. \_\_\_\_\_

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Attachment A

RODGERS TRANSPORTATION, INC.  
Chino Valley, Arizona

T-156,741

DEBTOR: SAN DIEGO WOOD PRESERVING CO.  
National City, California

Freight Bill No.	Date
2000	5-25-87
1999	5-25-87
1997	5-28-87
1998	5-29-87
2488	9-30-87
2510	10-06-87
2518	10-09-87
2520	10-13-87
2566	10-23-87
2586	10-30-87
2611	11-09-87
2638	11-14-87
2639	11-16-87
2691	12-03-87
2937	2-02-88
2938	2-04-88
2929	2-05-88

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Attachment B

RODGERS TRANSPORTATION, INC.  
Chino Valley, Arizona

T-156,741

DEBTOR: SELMA PRESSURE TREATING COMPANY, INCORPORATED  
Selma, California

Freight Bill No.	Date
2494	10-06-87
2495	10-06-87
2493	10-03-87
3065	3-17-88
3066	3-17-88
3085	3-24-88
2460	9-24-87
2461	9-24-87
2462	9-24-87
2484	10-01-87
2485	10-01-87
2737	12-07-87
2738	12-07-87
3067	3-06-88
3068	3-16-88
3086	3-24-88
2663	11-23-87
2665	11-23-87
2664	11-24-87
2666	11-24-87
2841	1-21-88
2844	1-21-88
3030	3-07-88
3987	3-23-88
3025	3-09-88
2843	1-19-88
2840	1-20-88
3088	3-21-88

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Attachment B

Freight Bill No.	Date
3037	3-08-88
3038	3-08-88
2731	12-11-87
2733	12-11-87
3090	3-21-88
3091	3-23-88