

ORIGINAL

900610755

EX-8

L/IRA:ddb

FILED

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PUBLIC UTILITIES COMMISSION

JUN 20 1990

Investigation on the Commission's own motion into the operations, rates, and practices of SELECT CARRIERS EXPRESS, INC., a California corporation, respondent carrier, and W. R. GRACE & CO., a Connecticut corporation, respondent shipper.

SAN FRANCISCO OFFICE
NO. I. 90 06 040

ORIGINAL

ORDER INSTITUTING INVESTIGATION

It appears that respondent SELECT CARRIERS EXPRESS, INC., (SELECT), a California corporation, whose mailing address is 38201 Cherry Street, Newark, CA 94560, is a highway carrier, having been issued highway common carrier and highway contract carrier authorities in 1986.

It further appears that respondent SELECT has provided transportation of property over the public highways for compensation to respondent W. R. GRACE & CO., (GRACE), whose mailing is 6851 Smith Avenue, Newark, CA 94560, and as such GRACE is a shipper of property.

It appears that respondent shipper may have received services from respondent SELECT 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 494, 702, 3737, and General Order Nos. 147-A and 155.

The Commission staff attempted to resolve this matter informally by the issuance of an undercharge citation in the amount of \$29,176.96 and a citation forfeiture of \$1,500.00. Both citations, however, were denied by the carrier.

The scope of this investigation includes, but is not limited to, transportation performed by respondent SELECT for respondent GRACE as represented by the freight invoices identified in Attachment A, and all supporting documents; also at issue is the documentation listed in Attachment B. The shipper, however, is not named as a respondent in this proceeding.

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 SELECT and respondent GRACE for the purposes of determining:

1. Whether respondent SELECT has violated Section 3737 of the Public Utilities Code by performing transportation services for respondent shipper GRACE, and shipper Hubbard Structures, Inc., without having a contract on file and in effect with the Commission as required by General Order No. 147-A.

2. Whether respondent SELECT has violated Section 702 of the Public Utilities Code by failing to properly document shipments tendered for transportation as required by General Order No. 155.

3. Whether respondent SELECT has violated Section 494 of the Public Utilities Code, by performing transportation services for respondent GRACE at rates and charges less than its tariff rates and charges.

4. Whether, in the event that sums less than the applicable rates are found to have been charged, collected or received, from respondent GRACE, a fine in the amount of the undercharges should be imposed upon respondent SELECT pursuant to Section 2100 of the Public Utilities Code.

5. Whether respondent SELECT should be ordered to review its transportation records for a further three month period to determine if any additional undercharges exist.

6. Whether respondent SELECT should be ordered to collect from the respondent GRACE the difference between the payments actually received and the applicable rates and charges pursuant to Section 2100 of the Public Utilities Code.

7. Whether any or all of respondent SELECT'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.

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

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

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

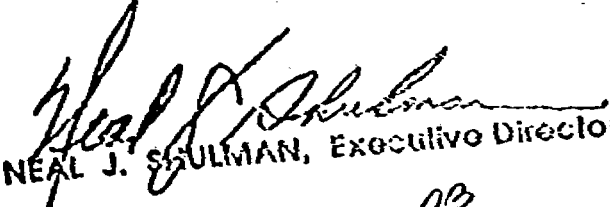
11. Respondents are placed on notice that under Sections 2108 and 3805 of the Public Utilities Code every violation is a separate and distinct offense, and in case of a continuing violation each day's continuance thereof is a separate and distinct offense.

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 personally forthwith on respondent SELECT and to cause a certified copy of this order to be served by mail on the respondent GRACE. This order is effective today.

Dated JUN 20 1990 at San Francisco, California.

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


NEAL J. SULMAN, Executive Director
PB

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

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

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Attachment A

SELECT CARRIERS EXPRESS, INC.
Newark

T-154,204

<u>PART</u>	<u>F/B NO.</u>	<u>DATE</u>	<u>S/O NO.</u>	<u>DATE</u>
1	6814	3/07/88	921002 01	3/02/88
2	7203	4/21/88	921033	4/18/88
3	7215	4/22/88	921033 01	4/18/88
4	7239	4/26/88	921034 1	4/21/88
5	7231	4/22/88	921034	4/21/88
6	7240	4/26/88	921035	4/21/88
7	7252	4/26/88	921035 01	4/22/88
8	7257	4/28/88	921147	4/25/88
9	7298	5/03/88	921147 01	4/27/88
10	7286	4/29/88	921148	4/27/88
11	7296	5/03/88	921149	4/29/88
12	7297	5/03/88	921148 01	4/29/88
13	7337	5/04/88	921266	5/02/88
14	7336	5/01/88	921266 01	5/02/88
15	7378	5/10/88	921267 01	5/05/88
16	7379	5/10/88	921268 01	5/06/88
17	7400	5/12/88	921066 02	5/09/88
18	7401	5/12/88	921066 01	5/09/88
19	7487	5/20/88	921066	5/10/88
20	7415	5/13/88	921067	5/11/88
21	7437	5/16/88	921067 01	5/12/88
22	7438	5/16/88	921068	5/12/88
23	7436	5/16/88	921068 01	5/13/88
24	7468	5/18/88	921191 01	5/16/88
25	7485	5/20/88	921192	5/17/88
26	7486	5/20/88	921192 01	5/17/88
27	7522	5/24/88	921193 01	5/19/88
28	7521	5/24/88	921279	5/21/88
29	7558	5/25/88	921279 01	5/23/88
30	7557	5/25/88	921260	5/23/88
31	7586	5/27/88	921280 01	5/25/88
32	7598	5/31/88	921281	5/25/88
33	7630	6/02/88	921281 01	5/26/88
34	7631	6/02/88	921202	5/26/88
35	7632	6/02/88	921282 01	5/27/88

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L/IRA:ddb

Attachment A

SELECT CARRIERS EXPRESS, INC.
Newark

T-154,204

<u>PART</u>	<u>F/B NO.</u>	<u>DATE</u>	<u>S/O NO.</u>	<u>DATE</u>
36	7662	6/03/88	921100 01	6/01/88
37	7686	6/07/88	921100	6/01/88
38	7676	6/07/88	921101	6/02/88
39	7675	6/07/88	921101 01	6/03/88
40	7708	6/09/88	921203 01	6/06/88
41	7722	6/09/88	921203	6/06/88
42	7753	6/14/88	921204	6/07/88
43	7709	6/09/88	921206	6/08/88
44	7718	6/09/88	921204 01	6/08/88
45	7752	6/14/88	921205	6/09/88
46	7772	6/15/88	921205 01	6/10/88
47	7824	6/21/88	921207	6/11/88
48	7770	6/15/88	921280	6/13/88
49	7771	6/15/88	921280 01	6/13/88
50	7769	6/15/88	921281	6/14/88
51	7825	6/21/88	921281 01	6/15/88
52	7812	6/20/88	921283 01	6/16/88
53	7810	6/20/88	921283	6/16/88
54	7809	6/20/88	921282 01	6/16/88
55	7811	6/20/88	921282	6/16/88
56	7846	6/23/88	921070	6/20/88
57	7847	6/23/88	921071	6/20/88
58	7848	6/23/88	921070 01	6/20/88
59	7849	6/23/88	921071 01	6/21/88
60	7883	6/27/88	921072 01	6/22/88
61	7850	6/23/88	921072	6/22/88
62	7918	6/29/88	921155	6/27/88
63	7917	6/29/88	921155 01	6/27/88
64	7931	7/01/88	921156	6/28/88

END OF ATTACHMENT A

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Attachment B

SELECT CARRIERS EXPRESS, INC.
Newark

<u>FREIGHT BILL #</u>	<u>DATE</u>	<u>DELIVERY RECEIPT #</u>	<u>SHIPPING TAG #</u>
07250	4/26/88	06538	1339 1340
07249	4/26/88	06512	1346
07475	5/18/88	06459	1412
07526	5/24/88	06149	1419
07615	6/01/88	7451	1433
07616	6/01/88	7453	1442

END OF ATTACHMENT B