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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates, and practices of J. Robinson Trucking, Inc., a California corporation, Granite Construction Company a California corporation, as Shipper Respondent,

Respondents.

FILED
PUBLIC UTILITIES COMMISSION
DECEMBER 6, 1990
SAN FRANCISCO OFFICE
I.90-12-008

ORIGINAL

ORDER INSTITUTING INVESTIGATION

J. Robinson Trucking, Inc., (Respondent Carrier) a California corporation, (Robinson) whose mailing address is 2533 East Lovelace, Manteca, California 95336, is engaged in the business of transporting property over the public highways of this state for compensation. Robinson operates pursuant to a highway contract carrier permit, a dump truck carrier permit and an agricultural carrier permit. All three permits were issued September 5, 1985 (T-149,538).

The following respondent, hereinafter referred to as "respondent shipper", has received services from respondent J. Robinson Trucking, Inc. in the form of transportation of property over the public highways of this state for compensation, and as such is a shipper of property:

RESPONDENT SHIPPER

Granite Construction Company
P.O. Box 900
Watsonville, CA 95077

PROCESS AGENT

C. T. Corporation System
818 West 7th St. Suite 1004
Los Angeles, CA 90017

It appears that respondent Robinson may have provided, by means of a device or otherwise, the respondent shipper with transportation services over the public highways of this state for compensation at rates less than the minimum rates established by the Commission in Minimum Rate Tariff 7-A.

It appears from a review of relevant documents and records that the above named carrier may have violated Sections 3664, 3667, 3668 and 3737 of the Public Utilities Code.

Finally, it further appears that respondent Granite Construction Company may have knowingly and willfully procured, by means of a device or otherwise, from respondent J. Robinson Trucking, Inc., transportation services over the public highways of this state for compensation at rates less than the minimum rates established by the Commission in Minimum Rate Tariff 7-A.

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 Robinson and the shipper respondent for the purpose of determining:

1. Whether respondent Robinson in transporting rock, sand and gravel for respondent shipper, violated Sections 3664, 3667, 3668 and 3737 of the Public Utilities Code by failing to assess and collect the applicable minimum rates as set forth in Minimum Rate Tariff 7-A.

2. Whether respondent has paid less than the applicable rates and charges for transportation performed by respondent carrier in that respondent shipper participated in and was paid based upon the device of a ninety (90) cent per ton deduction as calculated on fraudulent equipment lease invoices, and no equipment was provided for these payments.

3. Whether respondent Granite Construction Company (Granite), knowingly and wilfully, by means of a device or otherwise, violated Section 3669 of the Public Utilities Code, procured from respondent Robinson transportation service at rates less than the applicable minimum rates established by the

Commission in that respondent Granite has received rebate payments from respondent Robinson thru the device of a fraudulent equipment rental arrangement.

4. Whether a fine should be imposed upon respondent shipper pursuant to Sections 3804.1 and 3805 of the Public Utilities Code.

5. Whether, in the event respondent Robinson is found to have failed to assess and collect said applicable minimum rates through the device of rebate payments made in conjunction with a fraudulent equipment rental arrangement, or otherwise, a fine in the amount of the undercharges should be imposed upon respondent Robinson pursuant to Section 3800 of the Public Utilities Code.

6. Whether the respondent carrier should be ordered to collect from the aforementioned respondent shipper the difference between the charges actually received and the applicable rates and charges pursuant to Section 3800 of the Public Utilities Code.

7. Whether any or all of respondent carriers' operating authority should be cancelled, revoked, or suspended, or in the alternative, a fine of up to \$20,000 for each offense be imposed pursuant to Sections 3774 and 3805 of the Public Utilities Code.

8. Whether respondents Robinson and Granite should be ordered to cease and desist from any and all unlawful operations and practices.

9. The scope of the investigation includes, but is not limited to transportation represented by the invoices listed in Attachment A, appended hereto.

10. 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, Granite Construction Company and J. Robinson Trucking, Inc. The Executive Director is also directed to cause a certified copy of this order to be served personally forthwith on respondent J. Robinson Trucking, Inc.

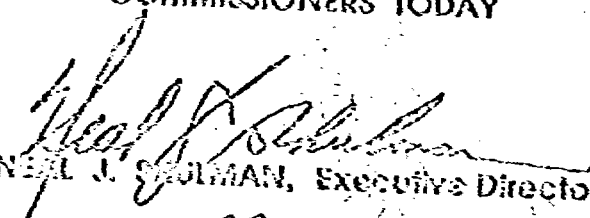
This order is effective today.

Dated December 6, 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. SOLIMAN, Executive Director
PB

J. ROBINSON TRUCKING, INC.
Mañteca

T-149,538

DEBTOR: GRANITE CONSTRUCTION COMPANY
Watsonville, California

SECTION 1	INVOICE NUMBER	DATE (Billing Date)
Interplant	13276	4-10-89
Haul	13332	4-14-89
	13331	4-14-89
	13357	4-14-89
	13512	4-27-89
	13521	4-27-89
	13563	4-28-89
	13692	4-30-89
	13564	4-28-89
	13691	4-30-89
	13566	4-28-89
	13690	5-10-89
	13688	5-10-89
	13687	5-10-89
	13686	5-10-89
	13764	5-16-89
	13861	5-22-89
	13936	5-24-89
	13974	5-25-89
	14007	5-31-89
	14014	5-31-89
	14008	5-31-89
	14009	5-31-89
	14010	5-31-89
	14011	5-31-89
	14012	5-31-89
	13994	5-30-89
	14089	5-31-89
	14013	5-31-89
	14015	5-31-89
	14378	6-30-89

INVOICE NUMBER	DATE
14507	6-30-89
14869	6-30-89
14972	7-19-89
15292	7-31-89
15843	7-31-89
15844	8-16-89
15368	8-31-89
16561	9-30-89
15586	9-15-89*
16614	9-30-89
16797	10-19-89
16798	10-19-89
17088	10-31-89
17270	11-17-89
17203	11-17-89
17382	11-30-89
17570	11-30-89
17944	12-19-89
18018	12-31-89

* Shipment Date

SECTION 2
Weston Ranch Job

INVOICE NUMBER	DATE
16820	10-11-89
16956	10-13-89
17003	10-17-89
17051	10-19-89
17066	10-12-89
17091	10-27-89
17141	11-01-89
17183	11-04-89
17302	11-10-89
17349	11-14-89
17578	11-16-89
17387	11-17-89
17577	11-21-89

END OF ATTACHMENT A