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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 Jerry E. Hansen, an)
individual doing business as Jerry)
Hansen Trucking, Transpan Corp., a)
California corporation and PABCO)
Roofing Products, a division of Pacific)
Coast Building Products, Inc., a)
California corporation as Shipper)
Respondent,)

Respondents.)

ORIGINAL

FILED
PUBLIC UTILITIES COMMISSION
FEBRUARY 6, 1991
SAN FRANCISCO OFFICE
I.91-02-005

ORDER INSTITUTING INVESTIGATION

Jerry E. Hansen dba Jerry Hansen Trucking (Respondent Carrier) (Hansen) whose mailing address is P.O. Box 7160 (617 Sebastopol Road) Santa Rosa, California 95407, is engaged in the business of transporting property over the public highways of this state for compensation. Hansen operates pursuant to a highway common carrier certificate and a highway contract carrier permit both issued January 31, 1980, dump truck carrier permit issued May 2, 1973 and an agricultural carrier permit issued April 21, 1978 (T-103,615). Transpan Corp., (Respondent Carrier) (Transpan) a California corporation whose mailing address is P.O. Box 7160 (617 Sebastopol Rd.) Santa Rosa, California 95407 (Jerry E. Hansen, Secretary) is engaged in the business of transporting property over the public highways of this state for compensation. Transpan operates pursuant to a highway common carrier certificate issued October 22, 1987, a dump truck carrier permit issued December 4, 1987, a highway contract carrier permit issued April 7, 1988, a heavy specialized carrier permit issued May 16, 1988, and an agricultural carrier permit issued May 16, 1988 (T-157,354).

The following respondent, hereinafter referred to as "respondent shipper", has received services from respondents

Hansen and Transpan Corp. 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

Pacific Coast Building
Products, Inc.

P.O. Box 160488
3001 I Street
Sacramento, CA 95816

PROCESS AGENT

David J. Luccetti, CEO
Pacific Coast Building

Products, Inc.
3001 I Street
Sacramento, CA 95816

It appears that respondents Hansen and Transpan may have provided 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 further appears, after Commission staff review of relevant documents and records, that the above named carriers may have violated Sections 3664, 3667 and 3737 of the Public Utilities Code.

Good cause appearing; therefore,

IT IS ORDERED that an investigation on the Commission's own motion is instituted into the operations, rates, charges, and practices of respondents Hansen, Transpan and the respondent shipper for the purpose of determining:

1. Whether respondent Hansen 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 Item 170 of Minimum Rate Tariff 7-A.

2. Whether respondent Transpan, in transporting roofing granules, in bulk, for the respondent shipper, violated Sections 3664, 3667 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.

3. Whether in addition to the transportation records listed in Attachment A, respondent Transpan should be ordered to review its records for the period May 1, 1988 to and including

December 31, 1989 for the purpose of ascertaining the amount of undercharges on roofing granules, in bulk, transported during said period.

4. Whether in the event that sums less than the applicable rates are found to have been charged, collected or received, during the period January 1, 1988 to and including December 31, 1989, a fine in the amount of the undercharges should be imposed upon respondent Transpan pursuant to Section 3800 of the Public Utilities Code;

5. Whether respondent shipper, or persons liable therefor, have paid less than the applicable minimum rates and charges in Minimum rate Tariff 7-A for transportation performed by respondent carrier Transpan.

6. Whether respondent Transpan should be ordered to collect from the respondent shipper the difference between payments actually received and the applicable minimum 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 Hansen and Transpan 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 Attachments A and B.

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 at a time and place to be determined, at which time all respondents and 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. The

Executive Director is also directed to cause a certified copy of this order to be served personally on respondents Jerry E. Hansen and Transpan Corp.

This order is effective today.

Dated February 6, 1991 at San Francisco, California.

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

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


NEAL J. SCHULMAN, Executive Director
DB

Attachment A

TRANSPAN CORP.
Santa Rosa

T-157,354

DEBTOR: PABCO Roofing Products, a div. of
PACIFIC COAST BUILDING PRODUCTS, INC.
Sacramento, California

<u>Part No.</u>	<u>Invoice No.</u>	<u>Date</u>
** Some Parts have been deleted.		
12	1031	1-21-88
13	1033	1-20-88
14	1035	1-20-88
15	1045	1-22-88
16	1079	1-25-88
17	1081	1-25-88
18	1083	1-21-88
19	1087	1-26-88
20	1090	1-21-88
21	1092	1-28-88
22	1094	1-26-88
23	1094A	1-26-88
24	1096	1-28-88
25	1098	1-25-88
26	1100	1-29-88
27	1152	1-28-88
28	1161	2-08-88
29	1163	2-11-88
30	1177	2-11-88
31	1179	2-04-88
32	1181	2-16-88
33	1184	2-11-88
34	1186	2-11-88
35	1246	2-16-88
36	1249	2-16-88
37	1251	2-17-88
38	1253	2-26-88
39	1254	2-22-88
40	1282	2-22-88
41	1287	2-22-88
42	1289	2-22-88
43	1291	2-22-88
44	1293	2-22-88

Attachment A

<u>Part No.</u>	<u>Invoice No.</u>	<u>Date</u>
45	1297	2-29-88
46	1299	2-29-88
47	1301	3-23-88
48	1692	3-14-88
49	1694	3-11-88
50	1697	3-23-88
51	1699	3-14-88
52	1702	3-14-88
53	1704	3-23-88
54	1706	3-23-88
55	1708	3-28-88
56	1712	3-23-88
57	1846	3-28-88
58	1848	3-28-88
59	1814	3-23-88
60	1851	3-23-88
61	1853	3-29-88
62	1856	4-28-88
63	1858	3-29-88
64	1860	3-28-88
65	1866	4-06-88
66	1949	4-07-88
67	1953	4-06-88
68	1956	4-04-88
69	1969	4-07-88
70	1974	4-05-88
71	1975	4-06-88
72	1977	4-06-88
73	1978	4-13-88
74	1981	4-22-88
75	1983	4-13-88
76	1993	4-11-88
77	1998	4-13-88
78	2053	4-13-88
79	2055	4-18-88
80	2058	4-11-88

Attachment A

<u>Part No.</u>	<u>Invoice No.</u>	<u>Date</u>
81	2068	4-18-88
82	2073	4-20-88
83	2077	4-22-88
84	2131	4-18-88
85	2136	4-21-88
86	2140	4-27-88
87	2147	5-02-88
88	2149	5-05-88
89	2154	5-02-88
90	2261	5-02-88
91	2263	5-02-88
92	2314	5-11-88
93	2319	5-11-88
94	2334	5-16-88
95	2338	5-17-88
96	2378	5-11-88
97	2392	5-16-88
98	2394	5-16-88
99	2408	5-20-88
100	2411	5-20-88

END OF ATTACHMENT A

Attachment B

Jerry E. Hansen dba
JERRY HANSEN TRUCKING
Santa Rosa

T-103,615

Violation Alleged: Documentation Failure, Minimum Rate
Tariff 7-A, Item 170

<u>Part</u>	<u>Bill of Lading No.</u>	<u>Date</u>
1	41255	8-28-87
	41284	9-01-87
	41364	9-01-87
	41633	8-31-87
	41637	9-02-87
	41635	9-02-87
2	41641	9-03-87
3	42048	9-08-87
4	41896	9-09-87
5	41895	9-08-87
6	42375	9-16-87
	42373	9-14-87
7	42754	9-24-87
	42753	9-23-87
8	41639	9-04-87
	42047	9-09-87
	42374	9-16-87
	42376	9-18-87
9	41640	9-04-87
	42756	9-24-87
	43165	9-28-87
10	42752	9-24-87
	43167	9-29-87
	43166	9-30-87

END OF ATTACHMENT B