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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 Pellandini Transportation)
 Inc., a California corporation and)
 United Beverage, Inc., a California)
 corporation as Shipper Respondent,)
 Respondents.)

ORIGINAL

FILED
PUBLIC UTILITIES COMMISSION
FEBRUARY 6, 1991
SAN FRANCISCO OFFICE
I.91-02-006

ORDER INSTITUTING INVESTIGATION

Pellandini Transportation, Inc. (Respondent Carrier) (Pellandini) whose mailing address is P.O. Box 1749 (1222 Grove Street) Sonoma, California 95476, is engaged in the business of transporting property over the public highways of this state for compensation. Pellandini operates pursuant to a highway common carrier certificate issued November 22, 1983, a highway contract carrier permit, a dump truck carrier permit and an agricultural carrier permit which were all issued October 20, 1983.

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

United Beverage, Inc.
 105 Jackson St.
 Oakland, CA 94607

PROCESS AGENT

John G. Roveda, CEO
 United Beverage, Inc.
 105 Jackson St.
 Oakland, CA 94607

It appears that respondent Pellandini may have provided the respondent shipper with transportation services over the public highways of this state for compensation at rates less than the applicable rates; and

It further appears, after Commission staff review of relevant documents and records, that respondent Pellandini may have violated Sections 494 and 702 of the Public Utilities Code. On February 9, 1989, an undercharge citation and a citation forfeiture, with fines of \$ 18,010.21 and \$ 2,000.00 respectively were served on the respondent carrier. The carrier failed to respond and the citations were deemed 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 Pellandini and the respondent shipper for the purpose of determining:

1. Whether respondent Pellandini has violated Section 702 of the Public Utilities Code by failing to issue a freight bill for each shipment containing all of the information required by Items 255 and 256 of Golden State Tariff Bureau, Agent, Freight Tariff No. 2.
2. Whether respondent Pellandini has violated Section 494 of the Public Utilities Code by failing to charge respondent shipper the applicable rates.
3. Whether in addition to the transportation records listed in Attachment A, respondent Pellandini should be ordered to review its records for the period May 1, 1988 to and including December 31, 1988 for the purpose of ascertaining the amount of undercharges on shipments of beer and soda water 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, 1988, a fine in the amount of the undercharges should be imposed upon respondent Pellandini pursuant to Section 2100 of the Public Utilities Code;
5. Whether respondent Pellandini should be ordered to collect from the respondent shipper the difference between payments actually received and the applicable rates and charges pursuant to Section 2100 of the Public Utilities Code;

6. Whether any or all of respondent Pellandini's operating authority should be cancelled, revoked, or suspended, or in the alternative, a fine imposed pursuant to Section 1070 of the Public Utilities Code.

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

8. 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, both the shipper and Pellandini Transportation, Inc. The Executive Director is also directed to cause a certified copy of this order to be served personally on respondent Pellandini Transportation, Inc.

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. SHULMAN, Executive Director
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PELLANDINI TRANSPORTATION, INC.
Somoa

T-142,452

DEBTOR: UNITED BEVERAGE, INC.
Oakland, California

<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>
1	2399	2-19-88
2	2445	4-06-88
3	2448	4-08-88
4	2372	1-23-88
5	2380	1-30-88
6	2416	3-11-88
7	2420	3-15-88
8	2425	3-12-88
9	2432	3-25-88
10	2434	3-25-88
11	2364	1-15-88
12	2377	1-28-88
13	2379	1-30-88
14	2381	2-04-88
15	2413	3-11-88
16	2426	3-23-88
17	2435	3-25-88
18	2428	3-25-88
19	2437	3-29-88
20	2366	1-15-88
21	2368	1-21-88
22	2369	1-21-88
23	2373	1-23-88
24	2378	1-29-88
25	2384	2-05-88
26	2385	2-09-88
27	2388	2-12-88
28	2390	2-12-88
29	2391	2-12-88
30	2392	2-12-88
31	2400	2-19-88
32	2401	2-23-88
33	2403	2-24-88
34	2404	2-26-88
35	2411	3-04-88
36	2417	3-11-88

Attachment A

<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>
37	2421	3-17-88
38	2422	3-17-88
39	2424	3-18-88
40	2429	3-25-88
41	2431	3-25-88
42	2436	3-28-88
43	2440	3-31-88
44	2446	4-08-88
45	2447	4-08-88
46	2346	1-13-88
47	2370	1-21-88
48	2374	1-27-88
49	2382	2-02-88
50	2383	2-05-88
51	2387	2-11-88
52	2394	2-18-88
53	2405	2-26-88
54	2410	3-04-88
55	2415	3-11-88
56	2418	3-11-88
57	2419	3-11-88
58	2423	3-18-88
59	2430	3-25-88
60	2433	2-25-88
61	2441	3-31-88
62	2442	4-02-88
63	2443	4-05-88
64	2376	1-27-88
65	2396	2-18-88
66	2438	3-31-88

END OF ATTACHMENT A