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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 JOHN PEREZ & SONS, a )  
California corporation, and of Cooney )  
& McLoughlin Supply, Inc., a Califor- )  
nia corporation, doing business as )  
OLYMPIC SUPPLY, shipper respondent. )

**ORIGINAL**

**FILED**

**PUBLIC UTILITIES COMMISSION**

**SAN FRANCISCO OFFICE**

**FEBRUARY 21, 1991**

**I.91-02-077**

ORDER INSTITUTING INVESTIGATION

It appearing that JOHN PEREZ & SONS, a California corporation, (PEREZ), whose mailing address is P. O. Box 525, Clarksburg, CA 95612, is engaged in the business of transporting property over the public highways of this state for compensation pursuant to highway contract carrier, tank truck carrier and agricultural carrier permits, and as such is a highway carrier; and

It appears that respondent Cooney & McLoughlin Supply, Inc., a California corporation, doing business as, OLYMPIC SUPPLY, (OLYMPIC), whose mailing address is 4841 83rd St., Sacramento, CA 95826, has received services from PEREZ in the form of transportation of property over the public highways of this state for compensation, and as such is a shipper of property.

It further appears, after Commission staff review of relevant documents and records, that while providing this transportation respondent PEREZ may have violated Sections 3664, 3667, and 3737 of the Public Utilities Code. The Commission's Transportation Division staff believes that the undercharges for the seven month review period are approximately \$53,860.30; therefore

Good cause appearing;

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

1. Whether respondent PEREZ in transporting shipments of roofing materials and supplies, for respondent OLYMPIC, violated Section 3737 of the Public Utilities Code by performing transportation services for the respondent shipper without having a contract on file and in effect with the Commission as required by Rule 6.1 of General Order 147-A.

2. Whether respondent PEREZ violated Section 3737 of the Public Utilities Code by failing to issue a freight bill for each shipment transported, showing all of the information required by Rule 5.1 of General Order No. 155;

3. Whether respondent PEREZ violated Sections 3667 and 3737 of the Public Utilities Code, or any of those sections, by failing to charge respondent OLYMPIC the rates applicable for the transportation of property by a highway contract carrier;

4. Whether respondent PEREZ should be ordered to review its transportation records for an additional, subsequent three month period to see if any further undercharges exist;

5. Whether in the event that sums less than the applicable rates are found to have been charged, collected or received, a fine in the amount of the undercharges should be imposed upon respondent PEREZ pursuant to Section 3800 of the Public Utilities Code;

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

7. Whether respondent PEREZ has violated Section 5003.1 of the Public Utilities Code by failing to report gross operating revenues and remit quarterly fees to the Commission.

8. Whether any of all of respondent PEREZ'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 of the Public Utilities Code.

9. Whether respondent PEREZ should be ordered to cease and desist from any and all unlawful operations and practices; and

10. Whether in the exercise of the Commission's jurisdiction a penalty pursuant to Section 3804.1 of up to \$5,000 should be imposed upon respondent OLYMPIC for having knowingly and willfully violated the Public Utilities Code or any order, decision, rule, regulation, direction, demand, or requirement issued by the Commission.

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

Respondents are placed on notice that Section 3805 of the Public Utilities Code provides that in case of continuing violation, each day's continuance is a separate and distinct offense.

The scope of this investigation includes, but is not limited to, transportation performed by respondent PEREZ as represented by the freight invoices identified in Attachment A, and all supporting documents.

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.

I.91-02-077

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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 OII to be served personally forthwith on respondent JOHN PEREZ & SONS.

This order is effective today.

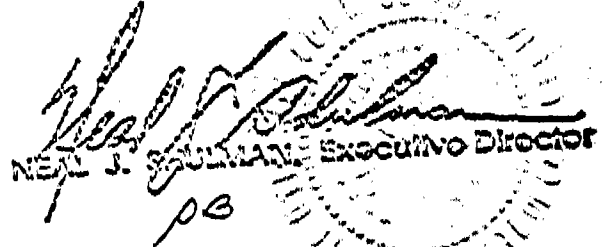
Dated February 21, 1991 at San Francisco, California.

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

I abstain.  
DANIEL WM. FESSLER  
Commissioner

I abstain.  
NORMAN D. SHUMWAY  
Commissioner

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

  
NEAL J. SPELMAN, Executive Director  
PB

Attachment A

## JOHN PEREZ &amp; SONS

T-141,972

DEBTOR: COONEY & McLOUGHLIN SUPPLY, INC.,  
dba OLYMPIC SUPPLY

Part	F/B#	Date	Inv#	Date
----	-----	-----	-----	-----
1	136930	09/28/87	4732	10/07/87
2	133206	09/30/87	4732	10/07/87
3	133036	10/02/87	4732	10/07/87
4	133209	10/02/87	4732	10/07/87
5	133195	10/05/87	4732	10/07/87
6	133945	10/05/87	4732	10/07/87
7	133946	10/05/87	4732	10/07/87
8	133213	10/05/87	4732	10/07/87
9	132231	10/01/87	4752	10/14/87
10	133038	10/05/87	4752	10/14/87
11	133950	10/07/87	4752	10/14/87
12	133657	10/12/87	4752	10/14/87
13	133208	10/01/87	4752	10/14/87
14	136931	10/01/87	4752	10/14/87
15	133037	10/05/87	4752	10/14/87
16	133041	10/06/87	4752	10/14/87
17	133199	10/07/87	4752	10/14/87
18	132239	10/08/87	4752	10/14/87
19	133045	10/09/87	4752	10/14/87
20	133200	10/07/87	4752	10/14/87
21	133042	10/07/87	4752	10/14/87
22	133566	10/08/87	4752	10/14/87
23	133957	10/09/87	4752	10/14/87
24	133654	10/09/87	4752	10/14/87
25	133568	10/12/87	4752	10/14/87
26	133047	10/12/87	4572	10/14/87
27	133218	10/08/87	4572	10/14/87
28	133221	10/12/87	4752	10/14/87
29	136933	10/05/87	4752	10/14/87
30	136936	10/07/87	4752	10/14/87
31	136938	10/07/87	4752	10/14/87
32	136998	10/12/87	4788	10/21/87
33	136999	10/12/87	4788	10/21/87
34	136940	10/08/87	4788	10/21/87
35	133658	10/12/87	4788	10/21/87
36	136384	10/09/87	4788	10/21/87
37	132243	10/12/87	4788	10/21/87
38	136385	10/14/88	4788	10/21/87
39	132247	10/15/87	4788	10/21/87
40	133662	10/14/87	4788	10/21/87
41	133702	10/16/87	4788	10/21/87
42	133964	10/15/87	4788	10/21/87

Attachment A

## JOHN PEREZ &amp; SONS

T-141,972

DEBTOR: COONEY & McLOUGHLIN SUPPLY, INC.,  
dba OLYMPIC SUPPLY

Part	F/B#	Date	Inv#	Date
----	-----	-----	----	-----
43	133663	10/15/87	4788	10/21/87
44	137000	10/14/87	4788	10/21/87
	134501	10/14/87	4788	10/21/87
45	128486	10/22/87	4800	10/28/87
46	134502	09/30/87	4800	10/28/87
47	134503	10/13/87	4800	10/28/87
48	128481	10/17/87	4800	10/28/87
49	134506	10/19/87	4800	10/28/87
50	134505	10/16/87	4800	10/28/87
51	132249	10/19/87	4800	10/28/87
52	133666	10/20/87	4800	10/28/87
53	128483	10/20/87	4800	10/28/87
54	128484	10/21/87	4800	10/28/87
55	133977	10/20/87	4800	10/28/87
56	133976	10/20/87	4800	10/28/87
57	133705	10/20/87	4800	10/28/87
58	134507	10/19/87	4800	10/28/87
59	133673	10/26/87	4800	10/28/87
60	133674	10/27/87	4821	11/09/87
61	134261	10/29/87	4821	11/09/87
	134260	10/29/87	4821	11/09/87
62	133779	11/05/87	4821	11/09/87
63	133711	10/28/87	4821	11/09/87
64	133715	11/02/87	4821	11/09/87
65	133992	10/30/87	4821	11/09/87
66	133991	10/30/87	4821	11/09/87
67	133716	11/02/87	4821	11/09/87
68	134263	11/02/87	4821	11/09/87
69	134268	11/05/87	4821	11/09/87
70	134264	11/03/87	4821	11/09/87
71	134508	11/04/87	4821	11/09/87
72	133717	11/03/87	4821	11/09/87
73	133718	11/03/87	4821	11/09/87
74	134509	11/05/87	4821	11/09/87
75	133778	11/04/87	4821	11/09/87
76	133721	11/06/87	4821	11/09/87
77	133781	11/06/87	4821	11/09/87
78	133757	10/29/87	4821	11/09/87
79	133863	11/09/87	4841	11/18/87
80	134426	11/09/87	4841	11/18/87
81	134539	11/03/87	4841	11/18/87
82	134510	11/05/87	4841	11/18/87

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Part	F/B#	Date	Inv#	Date
83	134270	11/09/87	4841	11/18/87
84	133725	11/09/87	4841	11/18/87
85	134512	11/11/87	4841	11/18/87
86	133785	11/09/87	4841	11/18/87
87	134273	11/11/87	4841	11/18/87
88	133823	11/10/87	4841	11/18/87
89	133824	11/11/87	4841	11/18/87
90	133866	11/12/87	4841	11/18/87
91	133788	11/15/87	4841	11/18/87
92	133789	11/16/87	4841	11/18/87
93	134307	12/09/87	4879	12/17/87
94	134404	12/15/87	4879	12/17/87
95	134312	12/16/87	4879	12/17/87
96	133799	12/10/87	4879	12/17/87
97	133800	12/10/87	4879	12/17/87
98	134402	12/14/87	4879	12/17/87
	134403	12/14/87	4879	12/17/87
99	134406	12/17/87	4886	12/28/87
100	134471	12/18/87	4886	12/28/87
101	134232	12/18/87	4886	12/28/87
102	134291	12/21/87	4886	12/28/87
103	133828	12/29/87	4892	12/30/87
104	133829	12/30/87	4892	12/30/87
105	1027	01/07/88	4897	01/08/88
106	1130	01/07/88	4897	01/08/88
107	1081	01/08/88	4897	01/08/88
108	1104	01/11/88	4908	01/18/88
109	1087	01/14/88	4908	01/18/88
110	1205	01/12/88	4908	01/18/88
111	1134	01/11/88	4908	01/18/88
112	1105	01/12/88	4908	01/18/88
	1106	01/12/88	4908	01/18/88
113	1005	01/11/88	4908	01/18/88
114	1082	01/11/88	4908	01/18/88
115	1084	01/12/88	4908	01/18/88
116	1085	01/13/88	4908	01/18/88
117	1182	01/13/88	4908	01/18/88
118	1181	01/12/88	4908	01/18/88
119	1037	01/21/88	4920	01/25/88
120	1141	01/18/88	4920	01/25/88
121	1227	01/21/88	4920	01/25/88
122	1016	01/21/88	4920	01/25/88

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dba OLYMPIC SUPPLY

<u>Part</u>	<u>F/B#</u>	<u>Date</u>	<u>Inv#</u>	<u>Date</u>
123	1210	01/27/88	4931	02/02/88
124	1098	01/27/88	4931	02/02/88
125	1100	01/28/88	4931	02/02/88
126	1099	01/28/88	4931	02/02/88
127	1111	01/22/88	4931	02/02/88
128	1153	01/25/88	4931	02/02/88
129	1114	01/26/88	4931	02/02/88
130	1115	01/26/88	4931	02/02/88
131	1232	01/26/88	4931	02/02/88
132	1233	01/26/88	4931	02/02/88
133	1116	01/27/88	4931	02/02/88
134	1118	01/28/88	4931	02/02/88
135	1117	01/27/88	4931	02/02/88
136	1235	01/28/88	4931	02/02/88
137	1121	01/29/88	4931	02/02/88
138	1237	01/29/88	4931	02/02/88
139	1123	02/01/88	4948	02/08/88
140	1245	02/04/88	4948	02/08/88
141	1199	02/02/88	4948	02/08/88
142	1125	02/03/88	4948	02/08/88
143	1124	02/02/88	4948	02/08/88
144	1167	02/02/88	4948	02/08/88
145	1242	02/02/88	4948	02/08/88
146	1243	02/03/88	4948	02/08/88
147	1301	02/03/88	4948	02/08/88
148	1405	02/10/88	4961	02/15/88
149	1289	02/10/88	4961	02/15/88
150	1147	02/09/88	4961	02/15/88
151	1335	02/11/88	4961	02/15/88
152	1334	02/11/88	4961	02/15/88
153	1275	02/16/88	4973	02/23/88
154	134541	02/12/88	4973	02/23/88
155	1435	02/24/88	4985	03/01/88
156	1432	02/22/88	4985	03/01/88
157	1436	02/24/88	4985	03/01/88
158	1222	02/26/88	4998	03/08/88
159	1590	03/07/88	4998	03/08/88
160	1726	03/04/88	4998	03/08/88
161	1652	02/30/88	4998	03/08/88
	1651	02/30/88	4998	03/08/88
162	1448	03/08/88	5011	03/14/88
163	1478	03/10/88	5011	03/14/88



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Part	F/B#	Date	Inv#	Date
----	-----	-----	-----	-----
164	1730	03/09/88	5011	03/14/88
165	1485	03/17/88	5026	03/21/88
166	1488	03/21/88	5040	03/28/88
167	1882	03/25/88	5040	03/28/88
168	1700	03/21/88	5040	03/28/88
169	1955	03/31/88	5060	03/31/88
170	1499	03/28/88	5060	03/31/88
	1498	03/28/88	5060	03/31/88
171	1956	04/01/88	5060	03/31/88
172	1748	03/28/88	5060	03/31/88
173	1885	03/28/88	5060	03/31/88
174	1953	03/30/88	5060	03/31/88
175	1979	04/05/88	5079	04/11/88
176	1961	04/05/88	5079	04/11/88
177	2035	04/07/88	5079	04/11/88
178	2033	04/07/88	5079	04/11/88
179	1967	04/08/88	5079	04/11/88

END OF ATTACHMENT A