

ORIGINAL

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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 Gifford Trucking, Inc., a )  
California corporation, Robert F. )  
Gifford, an individual formerly doing )  
business as Gifford Trucking, )  
regarding transportation service )  
performed for Granite Construction )  
Company, a California corporation, )  
Respondents.)

FILED  
PUBLIC UTILITIES COMMISSION  
MARCH 22, 1991  
SAN FRANCISCO OFFICE  
I.91-03-044

ORDER INSTITUTING INVESTIGATION

Respondent carrier Gifford Trucking, Inc., a California Corporation, whose mailing address is 24869 Comanche Drive, DiGiorgio, California 93217, was incorporated on October 31, 1979, and is engaged in the business of transporting property over the public highways of this state for compensation. Gifford Trucking, Inc., operates pursuant to a highway common carrier certificate, a dump truck carrier permit, a highway contract carrier permit and an agricultural carrier permit (T-164,217), all transferred on December 6, 1989, from Robert F. Gifford (T-16,595).

Respondent carrier Robert F. Gifford, an individual formerly doing business as Gifford Trucking, whose mailing address is 24869 Comanche Drive, DiGiorgio, California 93217, was formerly engaged in the business of transporting property over the public highways of this state for compensation (T-16,595) and is now the President and principal shareholder of respondent Gifford Trucking, Inc.

Respondent shipper Granite Construction Company, a California corporation, (Granite), whose mailing address is P.O. Box 900, Watsonville, California 95077 and whose agent for process is CT Corporation Systems, 818 West 7th Street, Suite 1004, Los Angeles, California 90017, has received services from respondent Gifford Trucking, Inc., and/or respondent Robert F.

Gifford 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 appears that respondent Gifford Trucking, Inc., and/or respondent Robert F. Gifford may have provided respondent Granite 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 that respondent Granite may have knowingly and wilfully procured, by means of a device or otherwise, from respondent Gifford Trucking, Inc., and/or respondent Robert F. Gifford, 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 respondents Gifford Trucking, Inc., and Robert F. Gifford, formerly doing business as Gifford Trucking, for the purpose of determining:

1. Whether respondent Gifford Trucking, Inc., or respondent Robert F. Gifford, or both of them, in transporting property for respondent Granite, violated Sections 3664, 3667, 3668 and 3737 of the Public Utilities Code by failing to assess and collect the applicable minimum rates established by the Commission.

2. Whether respondent Gifford Trucking, Inc., violated Sections 1063, 3571, 3582 and 3611 of the Public Utilities Code by operating as a highway carrier without first obtaining the appropriate operating authority from the Commission.

3. Whether respondent Granite, knowingly and wilfully, by means of a device or otherwise, violated Section 3669 of the Public Utilities Code by procuring from respondent Gifford Trucking, Inc., or respondent Robert F. Gifford, or both of them,

transportation service at rates less than the minimum rates established by the Commission.

4. Whether, respondent Gifford Trucking, Inc., or respondent Robert F. Gifford, or both of them, should be ordered to collect from respondent Granite any difference between the charges actually received and the minimum rates and charges that may be found applicable, pursuant to Section 3800 of the Public Utilities Code.

5. Whether, in the event respondent Gifford Trucking, Inc., or respondent Robert F. Gifford is found to have failed to assess and collect said applicable minimum rates, a fine in the amount of the undercharges should be imposed upon such respondent carrier pursuant to Section 3800 of the Public Utilities Code.

6. Whether the operating authority of respondent Gifford Trucking, Inc., should be cancelled, revoked, or suspended, or in the alternative, a fine of up to \$20,000 for each offense be imposed on it, pursuant to Sections 3774 and 3805 of the Public Utilities Code.

7. Whether a fine of up to \$5,000 for each offense should be imposed on respondent Granite pursuant to Sections 3804.1 and 3805 of the Public Utilities Code.

8. Whether any respondents should be ordered to cease and desist from unlawful operations or 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 this investigation includes, but is not limited to, transportation performed by respondent Gifford Trucking, Inc., and/or respondent Robert F. Gifford, represented by the invoices identified in Appendix 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 set, 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 personally served on all respondents.

This order is effective today.

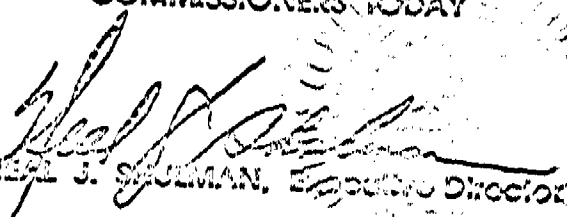
Dated March 22, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
PRESIDENT

G. MITCHELL WILK  
JOHN B. OHANIAN  
NORMAN D. SHUMWAY  
Commissioners

Commissioner Daniel Wm. Fessler,  
being necessarily absent, did  
not participate

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

  
NEAL J. SHERMAN, Executive Director

PB

A P P E N D I X A

	<u>Invoice</u>	<u>Date</u>
01	407	Mar 88
02	486	Apr 88
03	574	Apr 88
04	575	Apr 88
05	138	May 88
06	199	May 88
07	248	Jun 88
08	344	Jun 88
09	376	Jun 88
10	490	Jul 88
11	1040	Jul 88
12	1159	Aug 88
13	1230	Aug 88
14	1155	Aug 88
15	1151	Aug 88
16	1156	Aug 88
17	1160	Aug 88
18	1158	Aug 88
19	1134	Aug 88
20	1161	Aug 88
21	1215	Aug 88
22	1200	Aug 88
23	1203	Aug 88
24	1242	Aug 88
25	1246	Aug 88
26	1213	Aug 88
27	1274	Aug 88

END OF ATTACHMENT A