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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 Clem L. Dodge, an individual doing business as C. L. DODGE TRUCKING and of Robert F. Gifford, an individual formally doing business as GIFFORD TRUCKING, and GIFFORD TRUCKING, INC., and of GRANITE CONSTRUCTION COMPANY, a California Corporation, shipper respondent,

Respondents.

ORIGINAL

FILED
PUBLIC UTILITIES COMMISSION
FEBRUARY 20, 1992
SAN FRANCISCO OFFICE
I.92-02-025

ORDER INSTITUTING INVESTIGATION

Clem L. Dodge, an individual doing business as C. L. DODGE TRUCKING (DODGE), whose mailing address is 4401 Palmacia #B, Bakersfield, California 93307, is engaged in the business of transporting property over the public highways of this state for compensation pursuant to the dump truck carrier permit issued on February 6, 1984.

Respondent carrier GIFFORD TRUCKING, INC., a California Corporation, whose mailing address is P.O. Box 49065, Del Kern Station, Bakersfield, California 93307, and whose physical address is 2113 Taft Highway, Bakersfield, California 93313, 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 P.O. Box 49065, Del Kern Station, Bakersfield,

California 93307, and whose physical address is 2113 Taft Highway, Bakersfield, California 93313, 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. (Respondents Gifford Trucking, Inc., and Gifford Trucking are referred to collectively and alternatively as GIFFORD).

GRANITE CONSTRUCTION CO. (GRANITE), a California Corporation, whose mailing address is 18851 James Road, Bakersfield, California 93307, has received services from the aforementioned carriers in the form of transportation of property for compensation, and as such is a shipper of property. It appears that while providing this transportation respondent carriers may have violated Sections 3575, 3664, 3667, 3668, and 3737 of the Public Utilities Code, General Orders 102-H and 130, as well as the provisions of Minimum Tariff Rate (MRT) 7-A, Items 170, 190 and 310.

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 DODGE and GIFFORD for the purpose of determining:

1. Whether respondents DODGE and/or GIFFORD, in transporting rock and gravel for respondent shipper GRANITE, 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 (MRT) 7-A.
2. Whether respondent DODGE violated Section 3575 of the Public Utilities Code and General Order 102-H by engaging respondent GIFFORD for the subhaul transportation of materials without the required subhaul bond on file with the Commission.
3. Whether respondents DODGE and/or GIFFORD violated Sections 3664, 3667, 3668 and 3737 of the Public Utilities Code and General Order 130 by entering into an illegal subhaul agreement which required payments less than the applicable rates

and charges of MRT 7-A for the subhaul transportation of materials.

4. Whether respondent carriers, either or both, should be ordered to collect from the respondent shipper, Granite, the difference between the charges actually received and the applicable rates and charges.

5. Whether respondent carrier GIFFORD should be ordered to collect from respondent carrier DODGE the difference between the charges actually received and the applicable rates and charges.

6. Whether, in the event sums less than said applicable rates and charges are found to have been charged, collected, or received, a fine in the amount of such undercharges should be imposed upon the respondent carriers, each or both of them.

7. Whether, either or both of the respondent carriers' operating authorities should be cancelled, revoked, or suspended, or in the alternative, a fine imposed pursuant to Section 3774 of the Public utilities Code up to \$20,000 on either or both of them.

8. Whether respondent carriers, either or both of them, should be ordered to cease and desist from any 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 the investigation includes, but is not limited to transportation represented by the freight bills listed in Appendix A.

This matter will be set for hearing before the Commission at a time and place to be noticed later, at which time 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 both respondent carriers and the respondent shipper, as shown in Appendix B. The Executive Director is also directed to cause a certified copy of this OII to be served personally on both respondent carriers.

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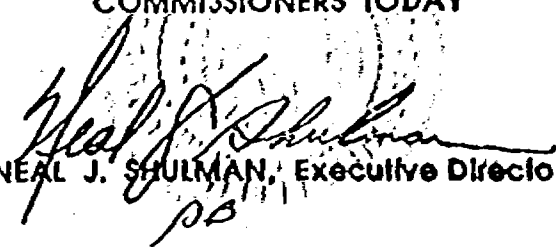
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This order is effective today
Dated February 20, 1992, at San Francisco, California

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
NORMAN D. SHUMWAY
Commissioners

Commissioner Patricia M. Eckert
being necessarily absent, did not
participate.

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


NEAL J. SHULMAN, Executive Director

APPENDIX A

FREIGHT BILL #	DATE	FREIGHT BILL #	DATE
=====	=====	=====	=====
A4687	3/14/89	A4763	3/21/89
A4677	"	A4671	"
A4576	"	A4773	"
A4679	"	A4681	"
A4678	"	A4806	3/23/89
A4654	"	A4789	"
A4691	"	A4658	"
A4689	"	A4769	"
A4668	"	A4803	"
A4667	"	A4786	"
A4690	"	A4800	"
A4680	"	A4793	3/24/89
A4692	"	A4794	"
A4650	"	A4764	"
A4665	"	A4770	"
A4693	"	A4683	"
A4695	"	A4672	"
A4694	"	A4790	"
A4745	3/15/89	A4814	3/28/89
A4684	"	A4787	"
A4675	"	A4685	"
A4714	"	A4659	"
A4655	"	A4719	"
A4779	"	A4815	"
A4744	"	A4802	"
A4756	"	A4788	3/29/89
A4716	"	A4817	"
A4669	"	A4767	"
A4711	"	A4807	"
A4743	"	A4810	"
A4755	"	A4791	"
A4757	"	A4819	"
A4651	"	A4732	3/31/89
A4726	"	A4686	"
A4758	"	A4816	"
A4781	"	A4768	"
A8062	"	A4805	"
A4761	3/20/89	A4720	"
A4754	"	A4795	"
A4753	"	A4831	"
A4670	"	A4824	4/03/89
A4742	"	A4832	"
A4653	"	A4778	"
A4784	3/21/89	A4772	"
A4762	"	A4797	"
A4765	"	A4812	"
A4660	"	A4796	"
A4771	"	A4733	"

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FREIGHT BILL #

DATE

FREIGHT BILL #

DATE

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3/23/89

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APPENDIX B

RESPONDENT CARRIERS

Clem L. Dodge, an individual, dba:
DODGE TRUCKING
4401 Palmacia #B
Bakersfield, CA 93307

Robert F. Gifford, President
GIFFORD TRUCKING, INC., a California corporation
P. O. Box 49065 Del Kern Station
2113 Taft Highway
Bakersfield, CA 93307

RESPONDENT SHIPPER

GRANITE CONSTRUCTION COMPANY
C. T. Corporation System
Process Agent
818 W. Seventh St.
Los Angeles, CA 90017