

MEMORANDUM

Date : September 28, 1990
To : The Commission
(Meeting of October 12, 1990)
From : *Jim Diani*, Principal
Tariff and License Branch

File No.:

Subject : CA-2

RESOLUTION NO. OCR-1008 ORDER CANCELLING COMMON CARRIER
TARIFFS, COMMON CARRIER CONTRACTS, AND SPECIAL CONTRACTS
WHICH HAVE BEEN TEMPORARILY SUSPENDED FOR VIOLATION OF
D.90-02-021.

OCR 1 Industrial Freight Systems, Inc.
Items 2716 (First Revised Page 15-NDB) and 2835 (First Revised
Page 15-UVDB) in Tariff 20-4 IDRL contain unlawful shipper
specific provisions.

OCR 2 Viking Freight System, Inc.
Special Contract T-84,649-845 does not contain all applicable
current rates as required for a special contract.

OCR 3 Orange Coast Transportation Services
Special Contract T-167,927-1 does not include evidence of the
substantial shipper obligation.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1008
Transportation Division
October 12, 1990

R E S O L U T I O N

RESOLUTION NO. OCR-1008 ORDER CANCELLING COMMON CARRIER TARIFFS, COMMON CARRIER CONTRACTS, AND SPECIAL CONTRACTS WHICH HAVE BEEN TEMPORARILY SUSPENDED FOR VIOLATIONS OF DECISION 90-02-021.

The common carrier tariffs, common carrier contracts and special contracts listed below violate Commission Decision (D.) 90-02-021 and have been suspended. These rate filings have not been amended or corrected and will go into effect at the end of the suspension period, unless the Commission orders these rate filings to be cancelled.

Rate Cancelling
Order

OCR No. 1

OCR No. 2

OCR No. 3

Rate Filing By:

Western Motor Tariff Bureau
Tariff 20-4 IDRL,
Items 2716 and 2835.

Viking Freight Systems, Inc.
T-84,649
Special Contract T-84,649-845

Orange Coast Transportation
Services
T-167,927
Special Contract T-167,927-1

Resolution No. OCR-1008

Findings of Fact

1. The rate filings listed above violate D.90-02-021.
2. The above rate filings were suspended and will go into effect at the end of the suspension period, unless the Commission orders these rate filings cancelled.
3. This Commission meeting is the last meeting of the Commission scheduled before the above rate filings will go into effect.
4. A public hearing is not necessary.

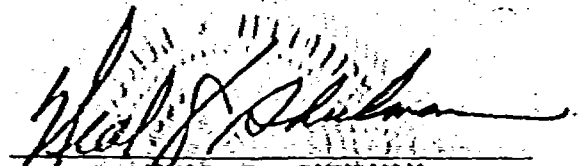
Conclusion of Law

These filings should be cancelled.

IT IS ORDERED that:

1. The above rate filings are cancelled as specified in the orders cancelling rates attached.
2. The Executive Director shall serve a copy of this Resolution on the carriers listed above.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on OCT 12 1990.
The following Commissioners approved it:


NEAL J. SHULMAN
Executive Director

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Tariff Filing
Western Motor Tariff Bureau Tariff
20-4 IDRL, Items 2716 and 2835,
Industrial Freight System, Inc.
9120 San Fernando Road
Sun Valley, CA 91352


) Order Cancelling Rate

) (Filing Numbered Same as
) Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Western Motor Tariff Bureau Items 2716 (1st Revised Page 15-NDB) and 2835 (1st Revised Page 15-UVDB) in its Tariff 20-4 IDRL are ordered cancelled and will not go into effect on October 18, 1990.

The language in Items 2716 and 2835 is not clear. By saying that "in the event the shipment is inadvertently accepted", the carrier seems to suggest that there may be some circumstances in which the shipment may be refused. The carrier should review Items 2716 and 2835 and make more clear what its intentions are. The result is that an uninformed shipper failing to annotate the bill of lading pays a higher rate by default. The distinction is trivial and redundant since General Order 80-C already requires a rule in the tariff stating that when two or more rates are named in the tariff for the same transportation the lowest shall apply. The tariff filings appeared on the Commission's Transportation Calendar September 10, 1990 and were suspended for 30 days commencing September 18, 1990.

This order issued OCT 12 1990, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1008 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 2

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-84,649-845
Viking Freight System, Inc.
411 E. Plumeria Drive
San José, California 95134

Order Cancelling Rate
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-84,649-845 is ordered cancelled and will not go into effect on October 25, 1990.

The language in Exhibit 1 to Appendix A of Special Contract T-84,649-845 precludes determination of a current rate from the Sacramento origin. Requiring the shipper to request the carrier's permission before using the rate contained in the Exhibit is unacceptable. Rule 6.6(f), General Order 147-B says that a rate must be stated in its entirety in the contract when no reference is made to other filed publications.

Viking Freight System filed Special Contract Number T-84,649-845 which appeared on the Commission's Transportation Calendar September 19, 1990. The contract was suspended on September 25, 1990 for 30 days because of the infraction of Rule 6.6.(f) of General Order 147-B.

This order issued **OCT 12 1990**, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1008 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 3

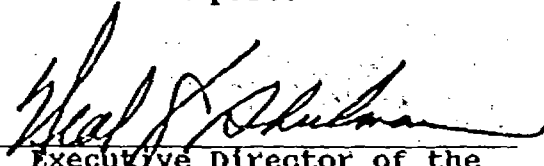
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-167,927-1)	Order Cancelling Rate
Orange Coast Transportation Services)	(Filing Numbered Same as
31441 Santa Margarita Parkway)	Order Number Above)
Suite A-118)	
<u>Rancho Santa Margarita, CA 92688</u>)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Contract No. T-167,927-1 is ordered cancelled and will not go into effect on October 26, 1990.

Special contracts must include evidence of substantial shipper obligation in the contract. To meet this requirement the contract must either provide for the carrier to earn a minimum of \$1,000 per month for delivered transportation services, or the contract must call for substantial shipper obligations not normally provided under common carrier tariff rates by any carrier. Many carriers have accomplished this by writing the contract in a way that makes the \$1,000 a month minimum easily calculated by multiplying the rate by the projected tonnage. Orange Coast Transportation Services filed special contract number T-167,927-1 with Potlatch Corporation, which appeared on the Commission's Transportation Calendar September 21, 1990. The contract was suspended on September 26, 1990 for 30 days because it did not include evidence of the substantial shipper obligation, required by Rule 6.14 of General Order 147-B. In addition, the contract lacks the specific termination date and projected tonnage as required by Rules 6.3 and 6.6(e) of General Order 147-B.

This order issued OCT 12 1990, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1008 of which this order is a part.


Executive Director of the
Public Utilities Commission