

State of California

Public Utilities Commission
San Francisco

MEMORANDUM

Date : November 29, 1990
To : The Commission
(Meeting of December 6, 1990)
From : Jim Diani, Principal *Jim Diani*
Tariff and License Branch
File No.:
Subject : CA-2

RESOLUTION NO. OCR-1012 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 Fast Run Delivery Service, Inc.
Carrier failed to show evidence of the substantial shipper
obligation in Special Contract T-165,212-8, as required for a
special contract.

OCR 2 Frank C. Alegre Trucking, Inc.
Carrier filed a Common Carrier Contract T-104,128-13 without
referring to the applicable tariff rates.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1012
Transportation Division
November 29, 1990

R E S O L U T I O N

RESOLUTION NO. OCR-1012 ORDER CANCELLING COMMON
CARRIER TARIFFS, COMMON CARRIER CONTRACTS, AND SPECIAL
CONTRACTS WHICH HAVE BEEN TEMPORARILY SUSPENDED FOR
VIOLATIONS OF D.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

Rate Filing By:

Fast Run Delivery Service, Inc.
T-165,212
Special Contract T-165,212-8

Frank C. Alegre Trucking, Inc.
T-104,128
Common Carrier Contract T-104,128-13

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.

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-165,212-8
Fast Run Delivery Service, Inc.
P.O. Box 3892
Whittier, CA 90605-0892

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-165,212-8 is ordered cancelled and will not go into effect December 21, 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. Fast Run Delivery Service, Inc. filed special contract number T-165,212-8 with St. Hart Container, which appeared on the Commission's Transportation Calendar November 13, 1990. The contract was suspended on November 21, 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 effective date and an amendment provision as required by Rules 8.2 and 6.14 of General Order 147-B.

This order issued DEC 0 6 1990, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1012 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

Common Carrier Contract
T-104,128-13
Frank C. Alegre Trucking, Inc.
802 No. Cluff Avenue
Lodi, CA 95240

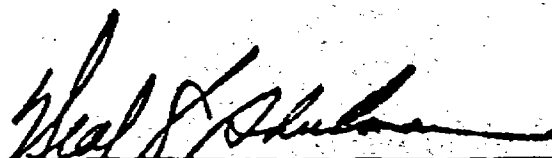
Order Cancelling Rate

(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, your Common Carrier Contract T-104,128-13 is ordered canceled and will not go into effect December 28, 1990.

Frank C. Alegre Trucking, Inc., filed Common Carrier Contract T-104,128-13 with Morton Salt Division of Morton International, Inc., which appeared on the Commission's Transportation Calendar November 21, 1990. The contract was suspended on November 28, 1990 for 30 days because it did not refer to the applicable tariff. Common carrier contracts must initially provide service at rates equal or equivalent to the common carrier's rates in effect at the time the contract is filed according to Rule 6.13 of General Order 147-B. Also, the signature of the carrier is required.

This order issued DEC 06 1990, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1012 of which this order is a part.



Executive Director of the
Public Utilities Commission

Resolution No. OCR-1012*

Conclusion of Law

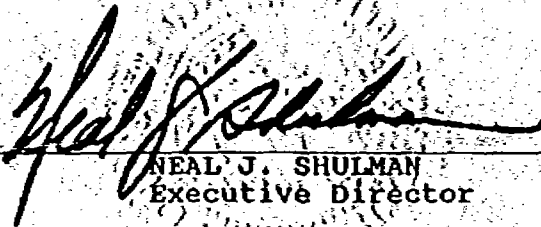
These filings should be cancelled.

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 DEC 06 1990.
The following Commissioners approved it:

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners


NEAL J. SHULMAN
Executive Director