

State of California

Public Utilities Commission
San Francisco

MEMORANDUM

Date : January 22, 1991
To : The Commission
(Meeting of January 25, 1991)
From : *Jim Diani*
Jim Diani, Principal
Tariff and License Branch

Subject : CA-2

RESOLUTION NO. OCR-1016 ORDER CANCELING COMMON CARRIER TARIFFS,
COMMON CARRIER CONTRACTS AND SPECIAL CONTRACTS WHICH HAVE BEEN
TEMPORARILY SUSPENDED FOR VIOLATION OF D.90-02-021.

OCR 1 Donco Carriers
Carrier failed to show evidence of the substantial shipper
obligation in Contract No. T-144,671-2 required for a special
contract.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1016
Transportation Division
January 25, 1991

R E S O L U T I O N

RESOLUTION NO. OCR-1016 ORDER CANCELLING COMMON
CARRIER TARIFFS, COMMON CARRIER CONTRACTS, AND SPECIAL
CONTRACTS WHICH HAVE BEEN TEMPORARILY SUSPENDED FOR
VIOLATION OF D.90-02-021

The special contract listed below violates Commission Decision (D.) 90-02-021 and has been suspended. This rate filing has not been amended or corrected and will go into effect at the end of the suspension period, unless the Commission orders this rate filing to be cancelled.

Rate Cancelling
Order

OCR No. 1

Rate Filing By:

Donco Carriers
T-144,671
Special Contract T-144,671-2

Findings of Fact

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

Resolution No. OCR-1016
January 25, 1991

Conclusion of Law

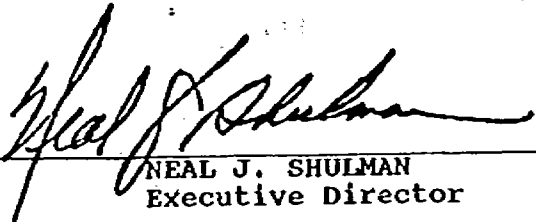
This filing should be cancelled.

IT IS ORDERED that:

1. The above rate filing is cancelled as specified in the order cancelling rate attached.
2. The Executive Director shall serve a copy of this Resolution on the carrier listed above.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on January 25, 1991. The following Commissioners approved it:

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


NEAL J. SHULMAN
Executive Director

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

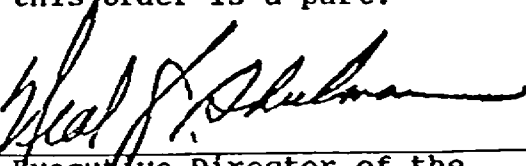
Special Contract T-144,671-2)
Donco Carriers)
4720 S W 20th)
Oklahoma City, OK 73128)

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-144,671-2 is ordered canceled and will not go into effect February 10, 1991.

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. Donco Carriers filed special contract number T-144-671-2 with Mrs. Smith's Frozen Foods Co., which appeared on the Commission's Transportation Calendar January 9, 1991. The contract was suspended on January 11, 1991 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 an amendment provision as required by Rule 6.14 of General Order 147-B, and doesn't specify that it is regulated by the requirements of the California Public Utilities Commission Transportation Division, General Order 147-B.

This order issued January 25, 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1016 of which this order is a part.



Executive Director of the
Public Utilities Commission