

MEMORANDUM

Date : March 8, 1991
To : The Commission
(Meeting of March 13, 1991)
From : Jim Diani, Principal
Tariff and License Branch



File No.:

Subject : CA-2

RESOLUTION NO. OCR-1019 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 CMS Services

Carrier failed to show evidence of the substantial shipper obligation in Contract T-144,739-21 required for a special contract.

OCR 2 Itel Transportation Services Corp.

Carrier failed to show evidence of the substantial shipper obligation in Contract T-162,185-7 required for a special contract.

OCR 3 Crescent Truck Lines, Inc.

Carrier failed to show evidence of the substantial shipper obligation when carrier earns less than a minimum of \$1,000 per month for delivered transportation services and did not include the signature of the carrier in Contract 154,407-1054 required for a special contract.

OCR 4 Crescent Truck Lines, Inc.

Special Contract T-154,407-1055 has conflicting provisions which renders significant shipper obligation to be unclear.

OCR 5 Crescent Truck Lines, Inc.

Carrier failed to show evidence of the substantial shipper obligation when carrier earns less than a minimum of \$1,000 per month for delivered transportation services and did not include the signature of the carrier in Contract 154,407-1056 required for a special contract.

OCR 6 Crescent Truck Lines, Inc.

Carrier failed to show evidence of the substantial shipper obligation when carrier earns less than a minimum of \$1,000 per month for delivered transportation services in Contract 154,407-1058 required for a special contract.

March 8, 1991 Memorandum - Page Two
To: The Commission (Meeting of March 13, 1991)
Subject: CA-2

OCR 7 Crescent Truck Lines, Inc.

Carrier failed to show evidence of the substantial shipper obligation when carrier earns less than a minimum of \$1,000 per month for delivered transportation services and did not include the signature of the carrier in Contract 154,407-1065 required for a special contract.

OCR 8 Crescent Truck Lines, Inc.

Special Contract T-154,407-1066 has conflicting provisions which renders significant shipper obligation to be unclear.

OCR 9 Crescent Truck Lines, Inc.

Carrier failed to show evidence of the substantial shipper obligation when carrier earns less than a minimum of \$1,000 per month for delivered transportation services in Contract 154,407-1067 required for a special contract.

OCR 10 Pacific Cartage & Warehousing, Inc.

Special Contract T-120,256-05 does not contain the carrier's signature as required by General Order 147-B, Rule 6.6(a).

OCR 11 Pacific Cartage & Warehousing, Inc.

Special Contract T-120,256-06 does not contain the carrier's signature as required by General Order 147-B, Rule 6.6(a).

OCR 12 Cavalier Trucking

Carrier filed Common Carrier T-93,485-12 without having the requisite common carrier authority for the filing.

OCR 13 Cavalier Trucking

Carrier filed Common Carrier T-93,485-13 without having the requisite common carrier authority for the filing.

OCR 14 Tim McConiga Trucking

Carrier failed to state the rates in their entirety in Common Carrier Contract T-105,905-9 as required by Rule 6.6(f) of General Order 147-B.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1019
Transportation Division
March 13, 1991

R E S O L U T I O N

RESOLUTION NO. OCR-1019 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.

<u>Rate Cancelling Order</u>	<u>Rate Filing By:</u>
OCR No. 1	CMS Services T-144,739 Special Contract T-144,739-21
OCR No. 2	Itel Transportation Services Corp. T-162,185 Special Contract T-162,185-71
OCR No. 3	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1054
OCR No. 4	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1055
OCR No. 5	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1056
OCR No. 6	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1058

Resolution No. OCR-1019

OCR No. 7	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1065
OCR No. 8	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1066
OCR No. 9	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1067
OCR No. 10	Pacific Cartage & Warehousing, Inc. T-126,256 Special Contract T-126,256-05
OCR No. 11	Pacific Cartage & Warehousing, Inc. T-126,256 Special Contract T-126,256-06
OCR No. 12	Cavalier Trucking T-93,485 Common Carrier T-93,485-12
OCR No. 13	Cavalier Trucking T-93,485 Common Carrier T-93,485-13
OCR No. 14	Tim McConiga Trucking T-105,905 Common Carrier T-105,905-9

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.

Resolution No. OCR-1019

Conclusion of Law

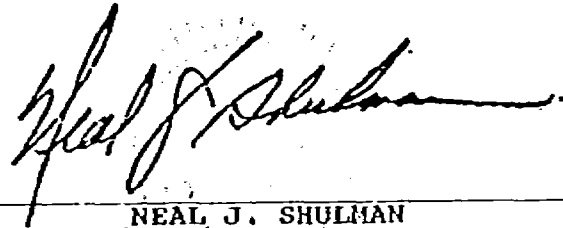
These filings should be cancelled.

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 March 13, 1991. The following Commissioners approved it:

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL WM. FESSLER
NORMAN D. SHUMWAY
Commissioners



NEAL J. SHULMAN
Executive Director

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

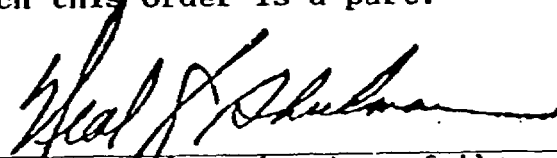
Special Contract T-144,739-21)
CMS Services)
4441 Walters Road)
Fairfield, CA 94533)

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-144,739-21 is ordered canceled and will not go into effect March 21, 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 calculable by multiplying the rate by the projected tonnage. CMS Services filed Special Contract T-144,739-21 with Gaylord Container Corporation, which appeared on the Commission's Transportation Calendar February 5, 1991. The contract was suspended on February 19, 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.

This order issued MAR 13 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 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

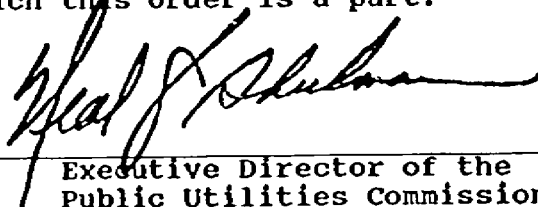
Special Contract T-162,185-7)	Order Cancelling Rate
Istel Transportation Services Corp.)	(Filing Numbered Same as
5500 Union Pacific Avenue)	Order Number Above)
<u>City of Commerce, CA 90022</u>)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-162,185-7 is ordered canceled and will not go into effect March 22, 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 calculable by multiplying the rate by the projected tonnage. Istel Transportation Services Corporation filed Special Contract T-162,185-7 with Nestle Foods Corporation, which appeared on the Commission's Transportation Calendar February 5, 1991. The contract was suspended on February 20, 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.

MAR 13 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 3

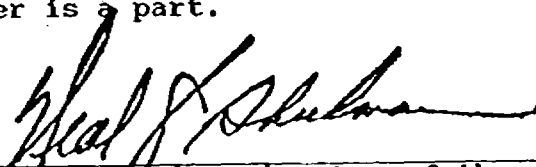
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-154,407-1054)	Order Cancelling Rate
Crescent Truck Lines, Inc.)	
2480 Whipple Road)	(Filing Numbered Same as
<u>Hayward, CA 94544</u>)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-1054 is ordered canceled and will not go into effect March 22, 1991.

The provision for substantial shipper obligation, if the carrier earns less than a minimum of \$1,000 per month for delivered transportation services, is not acceptable since released value limitations must be established before shipper tenders freight to the carrier. Crescent Truck Lines, Inc. filed Special Contract T-154,407-1054 with Charvoz, which appeared on the Commission's Transportation Calendar February 5, 1991. The contract was suspended on February 20, 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. Also, the contract does not include the signature of the carrier.

This order issued MAR 13 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 4

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-154,407-1055)	Order Cancelling Rate
Crescent Truck Lines, Inc.)	
2480 Whipple Road)	(Filing Numbered Same as
<u>Hayward, CA 94544)</u>	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-1055 is ordered canceled and will not go into effect March 22, 1991.

Crescent Truck Lines, Inc. filed Special Contract T-154,407-1055 with Nankang USA, Inc., which appeared on the Commission's Transportation Calendar February 5, 1991. The contract was suspended on February 20, 1991 for 30 days because the contract has conflicting provisions which rendered significant shipper obligation to be unclear.

This order issued MAR 13 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 5

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-154,407-1056)	Order Cancelling Rate
Crescent Truck Lines, Inc.)	
2480 Whipple Road)	(Filing Numbered Same as
<u>Hayward, CA 94544</u>)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-1056 is ordered canceled and will not go into effect March 22, 1991.

The contract does not specify the nature of the substantial obligation if carrier earns less than a minimum of \$1,000 per month for delivered transportation services. Crescent Truck Lines, Inc. filed Special Contract T-154,407-1056 with Gerin Welding, which appeared on the Commission's Transportation Calendar February 5, 1991. The contract was suspended on February 20, 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. Also, the contract does not include the signature of the shipper.

This order issued MAR 13 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 6

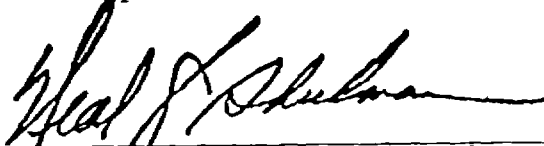
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-154,407-1058)	Order Cancelling Rate
Crescent Truck Lines, Inc.)	
2480 Whipple Road)	(Filing Numbered Same as
<u>Hayward, CA 94544)</u>	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-1058 is ordered canceled and will not go into effect March 22, 1991.

Special contracts must include evidence of substantial shipper obligation in the contract. The contract does not call for substantial shipper obligation not normally provided under common carrier tariff rates by any carrier when carrier does not earn a minimum of \$1,000 per month for delivered transportation services. Crescent Truck Lines, Inc. filed Special Contract T-154,407-1058 with US Cellulose, which appeared on the Commission's Transportation Calendar February 5, 1991. The contract was suspended on February 20, 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.

This order issued MAR 13 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 7

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-154,407-1065)	Order Cancelling Rate
Crescent Truck Lines, Inc.)	
2480 Whipple Road)	(Filing Numbered Same as
<u>Hayward, CA 94544)</u>	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-1065 is ordered canceled and will not go into effect March 22, 1991.

The provision for substantial shipper obligation, if the carrier earns less than a minimum of \$1,000 per month for delivered transportation services, is not acceptable since released value limitations must be established before shipper tenders freight to the carrier. Crescent Truck Lines, Inc. filed Special Contract T-154,407-1065 with Creative Solutions, which appeared on the Commission's Transportation Calendar February 5, 1991. The contract was suspended on February 20, 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. Also, the contract does not include the signature of the carrier.

This order issued MAR 13 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 8

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

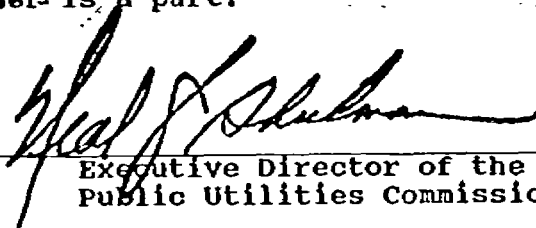
Special Contract T-154,407-1066)	Order Cancelling Rate
Crescent Truck Lines, Inc.)	
2480 Whipple Road)	(Filing Numbered Same as
<u>Hayward, CA 94544</u>)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-1066 is ordered canceled and will not go into effect March 22, 1991.

Crescent Truck Lines, Inc. filed Special Contract T-154,407-1066 with Ball Industries, which appeared on the Commission's Transportation Calendar February 5, 1991. The contract was suspended on February 20, 1991 for 30 days because the contract had conflicting provisions which rendered significant shipper obligation to be unclear.

MAR 13 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 9

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA


Special Contract T-154,407-1067)	Order Cancelling Rate
Crescent Truck Lines, Inc.)	
2480 Whipple Road)	(Filing Numbered Same as
<u>Hayward, CA 94544</u>)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-1067 is ordered canceled and will not go into effect March 21, 1991.

Special contracts must include evidence of substantial shipper obligation in the contract. The contract does not call for substantial shipper obligation not normally provided under common carrier tariff rates by any carrier, if carrier does not earn a minimum of \$1,000 per month for delivered transportation services. Crescent Truck Lines, Inc. filed Special Contract T-154,407-1067 with Olivetti USA, which appeared on the Commission's Transportation Calendar February 5, 1991. The contract was suspended on February 19, 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.

MAR 13 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 10

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

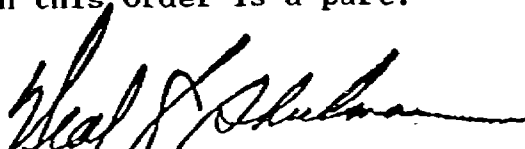
Common Carrier Contract T-120,256-05)	Order Cancelling Rate
Pacific Cartage & Warehousing, Inc.)	
3129 Corporate Place)	(Filing Numbered Same as
<u>Hayward, CA 94545</u>)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-120,256-05 is ordered canceled and will not go into effect March 17, 1991.

Pacific Cartage & Warehousing, Inc. filed Special Contract T-120,256-05 with Office Club, which appeared on the Commission's Transportation Calendar February 25, 1991. The contract was suspended on March 5, 1991 because it did not contain the carrier's signature, which is required by Rule 6.6(a) of General Order 147-B.

MAR 13 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 11

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

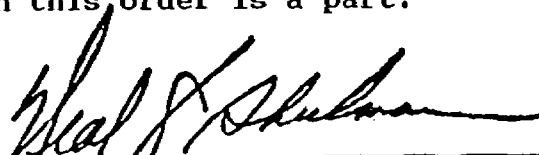
Common Carrier Contract T-120,256-06)	Order Cancelling Rate
Pacific Cartage & Warehousing, Inc.)	(Filing Numbered Same as
3129 Corporate Place)	Order Number Above)
Hayward, CA 94545)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-120,256-06 is ordered canceled and will not go into effect March 17, 1991.

Pacific Cartage & Warehousing, Inc. filed Special Contract T-120,256-06 with Office Club, which appeared on the Commission's Transportation Calendar February 25, 1991. The contract was suspended on March 5, 1991 because it did not contain the carrier's signature, which is required by Rule 6.6(a) of General Order 147-B.

MAR 13 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 12


BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Contract T-93,485-12)	Order Cancelling Rate
Cavalier Trucking)	
966 77th Avenue)	(Filing Numbered Same as
<u>Oakland, CA 94621)</u>	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Common Carrier Contract T-93,485-12 is ordered cancelled and will not go into effect April 6, 1991.

Cavalier Trucking filed Common Carrier Contract No. T-93,485-12 with Schroeder Industries, Inc., which appeared on the Commission's Transportation Calendar March 1, 1991. The contract was suspended on March 7, 1991 for 30 days. Cavalier Trucking does not hold common carrier authority. Rule 6.13 of General Order 147-B requires common carrier contracts to be filed only by contract carriers which also hold common carrier authority.

This order is issued MAR 13 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 13

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

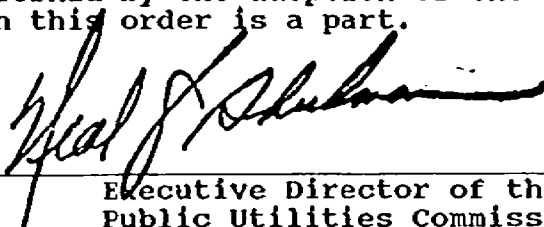
Common Carrier Contract T-93,485-13)
Cavalier Trucking)
966 77th Avenue)
Oakland, CA 94621)

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, Common Carrier Contract T-93,485-13 is ordered cancelled and will not go into effect April 6, 1991.

Cavalier Trucking filed Common Carrier Contract No. T-93,485-13 with Arrow Sign Co., which appeared on the Commission's Transportation Calendar March 1, 1991. The contract was suspended on March 7, 1991 for 30 days. Cavalier Trucking does not hold common carrier authority. Rule 6.13 of General Order 147-B requires common carrier contracts to be filed only by contract carriers which also hold common carrier authority.

This order is issued MAR 13 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1019 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 14

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

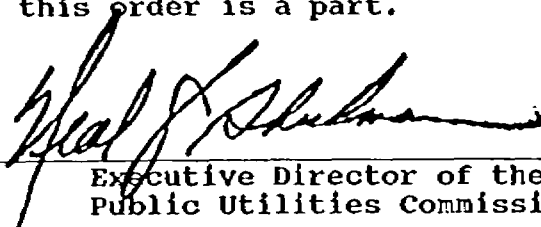
Contract Carrier Contract T-105,905-9)	Order Cancelling Rate
Tim McConiga Trucking)	
10240 Lowell Street)	(Filing Numbered Same as
<u>Elverta, CA 95626</u>)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Contract Carrier Special Contract T-105,905-9 is ordered cancelled and will not go into effect April 6, 1991.

Tim McConiga Trucking filed Special Contract No. T-105,905-9 with Mallard Creek, Ind., which appeared on the Commission's Transportation Calendar March 1, 1991. The contract was suspended on March 7, 1991 for 30 days. The suspension was issued as the contract fails to conform with Rule 6.6 of General Order 147-B requiring rates to be stated in their entirety. Rates in the contract are not expressed in a unit of measure. Consequently it is not possible to calculate monthly revenue generated under the contract to determine if the conditions of Rule 3.18 of General Order 147-B, which defines a special contract, have been met.

MAR 13 1991

This order is issued _____, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1019 of which this order is a part.



Executive Director of the
Public Utilities Commission