

M E M O R A N D U M

Date : May 3, 1991
To : The Commission
(Meeting of May 8, 1991)
From : *Jim Diani*
Jim Diani, Principal
Tariff and License Branch

Subject : CA-2

RESOLUTION NO. OCR-1023 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 Leonardo Trucking Co.

Special Contract T-164-003-1 does not contain the signature of carrier as required by Rule 6.6(a) and does not include substantial shipper obligation required by Rule 3.18 of General Order 147-B.

OCR 2 Safe (T) Way Trucking, Inc.

Special Contract T-105,590-23 contains reference to a Rand McNally Milemaker (TM) System, a governing distance table not on file with the Commission for precise rates, as required by Rules 3.11 and 6.6(f) of General Order 147B.

OCR 3 Willie Whitchurch & Company

Carrier filed Common Carrier Contract No. T-169,116-1 without first obtaining common carrier authority as required by Rule 6.13 of General Order 147-B.

OCR 4 Whiteker Distribution Corporation

Carrier filed Common Carrier Contract Freight Schedule No. 1 without first obtaining common carrier authority as required by Rule 6.13 of General Order 147-B.

OCR 5 Matheson Fast Freight

The Special Contract T-142,777-198 is illegible, in violation of Rule 6.7 of General Order 147-B.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1023
Transportation Division
May 8, 1991

R E S O L U T I O N

RESOLUTION NO. OCR-1023 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

Rate Filing By:

OCR No. 1	Leonardo Trucking Co. T-164,003 Special Contract T-164,003-1
OCR No. 2	Safe(T) Way Trucking, Inc. T-105,590 Special Contract T-105,590-23
OCR No. 3	Willie Whitchurch & Company T-169,116 Common Carrier Contract T-169,116-1
OCR No. 4	Whiteker Distribution Corporation T-153,498 Freight Schedule Number 1
OCR No. 5	Matheson Fast Freight T-142,777 Special Contract T-142,777-198

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

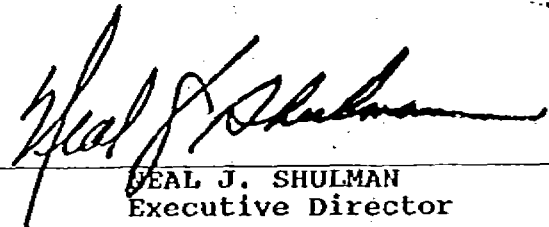
These filings should be cancelled.

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 May 8, 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

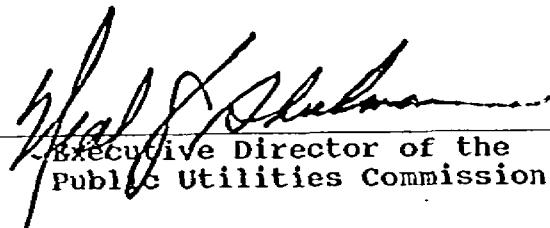
Special Contract T-164,003-1)
Leonardo Trucking Co.)
1262 Lark Avenue)
Hantford, CA 93230)

Order Canceling 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-164,003-1, is ordered canceled and will not go into effect May 18, 1991.

A special contract must include the Carrier's signature and 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. Leonardo Trucking Co. filed Special Contract T-164,003-1 with Tri-Counties Walnut Co., which appeared on the Commission's Transportation Calendar April 12, 1991. The contract was suspended on April 18, 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 MAY 08 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1023 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

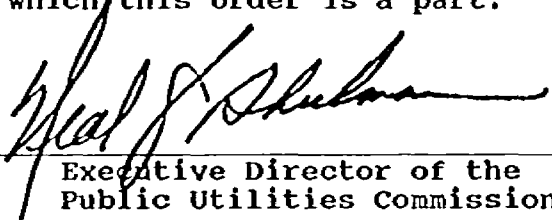
Special Contract T-105,592-23)	Order Canceling Rate
Safe(T)Way Trucking Inc.)	
1465 Franklin Avenue)	(Filing Numbered Same as
<u>Pomona, CA 91766)</u>	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-105,592-23, with Mead Corporation is ordered canceled and will not go into effect May 17, 1991.

Your special contract with Mead Corporation states that the Rand McNally Milenaker (TM) System will be used for distance calculation. In the same paragraph you would permit "a variance of \$2.00, over or under, should carrier elect to use a freight mileage system other than" the Rand McNally system. All publications which govern the application of charges must be filed with the Commission unless they are identified in Rule 3.11 of General Order 147-B. You are also required to state your rates in their entirety and the exact rates must be filed with the Commission.

The contract was suspended on April 17, 1991, for 30 days because the governing mileage guide was not filed with the contract, and the exact rates were not shown in the contract as required by Rule 6.6(f), General Order 147-B.

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1023 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 3

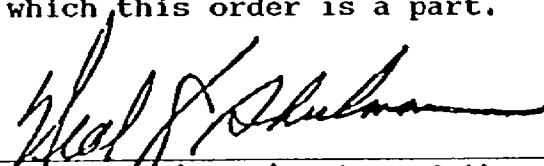
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Contract T-169,116-1)	Order Cancelling Rate
Willie Whitchurch & Company)	
P. O. Box 482)	(Filing Numbered Same as
<u>Fortuna, CA 95540)</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-169,116-1 is ordered canceled and will not go into effect May 23, 1991.

Willie Whitchurch & Company filed Common Carrier Contract T-169,116-1 with Manna Pro which appeared on the Commission's Transportation Calendar April 19, 1991. The contract was suspended on April 23, 1991 for 30 days because Willie Whitchurch & Company does not have 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 issued MAY 08 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1023 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 4

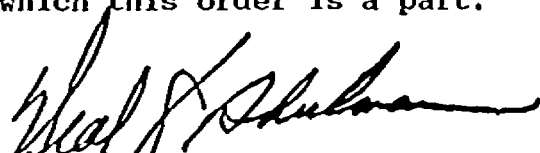
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Contract Freight)	Order Cancelling Rate
Schedule No. 1)	
Whiteker Distribution Corp.)	(Filing Numbered Same as
2941-B N. Hesperian)	Order Number Above)
<u>Santa Ana, CA 92706)</u>	

In conformity with the findings and order made by the Commission in a resolution entered this day, Common Carrier Contract Freight Schedule No. 1 is ordered canceled and will not go into effect May 23, 1991.

Whiteker Distribution Corporation filed Common Carrier Contract Freight Schedule No. 1 which appeared on the Commission's Transportation Calendar April 19, 1991. The contract was suspended on April 23, 1991 for 30 days because Whiteker Distribution Corporation does not have 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 issued MAY 08 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1023 of which this order is a part.



Executive Director of the
Public Utilities Commission,

Order No. OCR 5

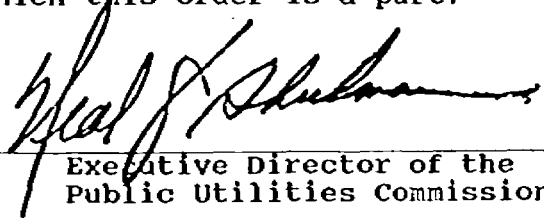
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-142,777-198)	Order Cancelling Rate
Matheson Fast Freight)	
P. O. Box 910)	(Filing Numbered Same as
<u>Elk Grove, CA 95759</u>)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-142,777-198 is ordered canceled and will not go into effect May 26, 1991.

Matheson Fast Freight filed Special Contract T-142,777-198 with Esprit Systems which appeared on the Commission's Transportation Calendar April 19, 1991. The contract was suspended on April 26, 1991 for 30 days because the contract is not clear and legible as required by Rule 6.7 of General Order 147-B.

This order issued MAY 08 1991, by the Public Utilities Commission of the State of California, by the adoption of Resolution No. OCR-1023 of which this order is a part.


Executive Director of the
Public Utilities Commission