

State of California

Public Utilities Commission
San Francisco

MEMORANDUM

Date : June 27, 1991
To : The Commission
(Meeting of July 2, 1991)
From : *Jim Diani*
Jim Diani, Principal
Tariff and License Branch

Subject : CA-2

RESOLUTION NO. OCR-1027 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 Saunders Transportation

Carrier fails to show evidence of substantial shipper obligation
in Contract T-127,255-21, as required for a special contract.

OCR 2 Super Cal Express

Carrier uses zip code to designate the area involved in
performance but has not filed for zip code mileage table nor
included a page to convert zip codes into Distance Table 8
convention.

OCR 3 Matheson Fast Freight

Carrier increases its tariff rates by as much as 30% without
submitting formal application. Also, the specific time to review
shippers revenue in connection with the discount is omitted.

OCR 4 San Joaquin Motor Truck Lines

Carrier uses zip code to designate the area involved in
performance but has not filed for zip code mileage table nor
included a page to convert zip codes into Distance Table 8
convention.

OCR 5 Super Cal Express

Carrier uses zip code to designate the area involved in
performance but has not filed for zip code mileage table nor
included a page to convert zip codes into Distance Table 8
convention.

OCR 6 Embrey & Stokes Trucking

Carrier fails to show evidence of substantial shipper obligation
in Contract T-114,885-4, as required for a special contract.

June 27, 1991 Memorandum - Page Two
To: The Commission (Meeting of July 2, 1991)
Subject: CA-2

OCR 7 Nordic Express Freight, Inc.
Carrier fails to show evidence of substantial shipper obligation
in Contract T-156,546-107, as required for a special contract.

OCR 8 Nordic Express Freight, Inc.
Carrier fails to show evidence of substantial shipper obligation
in Contract T-156,546-110, as required for a special contract.

OCR 9 Nordic Express Freight, Inc.
Carrier fails to show evidence of substantial shipper obligation
in Contract T-156,546-111, as required for a special contract.

OCR 10 BML Delivery Service
Carrier fails to show evidence of substantial shipper obligation
in Contract T-170,422-1, as required for a special contract.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1027
Transportation Division
July 2, 1991

R E S O L U T I O N

RESOLUTION NO. OCR-1027 ORDER CANCELLING COMMON
CARRIER TARIFFS, COMMON CARRIER CONTRACTS, AND SPECIAL
CONTRACTS WHICH HAVE BEEN TEMPORARILY SUSPENDED FOR
VIOLATIONS OF D.90-02-021

The filings 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

Saunders Transport Systems, Inc.
T-127,255
Special Contract T-127,255-21

OCR No. 2

Super Cal Express
T-158,690
CA PUC No. 8, Items 4670 to 4680

OCR No. 3

Matheson Fast Freight
T-142,777
CA PUC No. 2, Item 938

OCR No. 4

San Joaquin Motor Truck Lines
T-133,463
CA PUC No. 4, Items 6025 and 6026

OCR No. 5

Super Cal Express
T-158,690
CA PUC No. 8, Items 4685 to 4760

OCR No. 6

Embrey & Stokes Trucking
T-114,885
Special Contract T-114,885-4

Resolution No. OCR-1027
July 2, 1991

OCR No. 7	Nordic Express Freight, Inc. T-156,546 Special Contract T-156,546-107
OCR No. 8	Nordic Express Freight, Inc. T-156,546 Special Contract T-156,546-110
OCR No. 9	Nordic Express Freight, Inc. T-156,546 Special Contract T-156,546-111
OCR No. 10.	BML Delivery Service T-170,422 Special Contract T-170,422-1

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

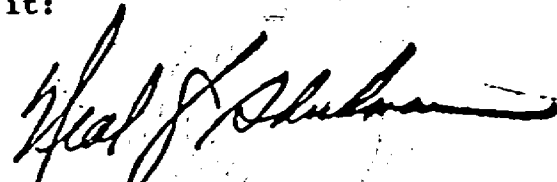
These filings should be cancelled.

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 July 2, 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-127,255-21)	Order Cancelling Rate
Saunders Transportation)	
215 Preston Court)	(Filing Numbered Same as
<u>Fremont, CA 94536)</u>	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-127,255-21 is ordered canceled and will not go into effect July 13, 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. Saunders Transportation filed Special Contract T-127,255-21 with Coca-Cola Bottling Company, which appeared on the Commission's Transportation Calendar June 6, 1991. The contract was suspended on June 12, 1991 for 30 days because it did not include evidence of the substantial shipper obligation, required by Rule 6.14 of General Order 147-C.

This order issued JUL 2 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1027 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 Tariff Filing)
CA. P.U.C. No. 8, Items 4670,)
4675 and 4680)
Super Cal Express)
P. O. Box 5000)
Irwindale, CA 91706-5050)

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, Super Cal Express is ordered to cancel Items 4670, 4675 and 4680 (Original Pages 435, 436 and 437) in its tariff, CA. P.U.C. No. 8, by July 20, 1991.

Zip codes used to identify origin points in Items 4670, 4675 and 4680 are not defined. Carrier's tariff is not subject to any zip code mileage table but is governed by Distance Table 8.

The filing was listed on the Commission's Daily Transportation Calendar on June 14, 1991 and was suspended on June 19, 1991.

JUL 2 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1027 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 Tariff Filing)	Order Cancelling Rate
CA PUC No. 2, Item 988)	(Filing Numbered Same as
Matheson Fast Freight)	Order Number Above)
P. O. Box 910)	
<u>Elk Grove, CA 95759</u>)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Matheson Fast Freight is ordered to cancel Item 988 (3rd Revised Page 57) of CA PUC No. 2 by July 15, 1991.

Item 988 eliminates discount on minimum charge. The elimination of discount resulted in a rate increase of up to 30%. Rate increases greater than 10% over the base rates requires formal application to the Commission by Rule 7.3(a) of General Order 147-C. The carrier did not file formal application. Also, the item provides for a monthly discount, ranging from 10% to 40%, predicated on an anticipated revenue. The amount of discount will be determined after the carrier evaluated the shipper's and/or debtor's ability to qualify for discounts based on information from shipper or debtor and/or past experience. However, the specific time when review will occur was omitted. This omission will allow carrier to extend discount beyond several months even when a given shipper does not qualify, delay revenue review for the purpose of choosing who, among customers, would continue to receive discounts, and to assign arbitrarily the amount of discount that would be extended. The filing was listed on the Commission's Daily Transportation Calendar on June 11, 1991 and was suspended on June 14, 1991.

This order issued JUL 2 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1027 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 Tariff Filing)
CA PUC No. 4, Items 6025 & 26)
San Joaquin Motor Truck Lines)
P. O. Box 77108)
San Francisco, CA 94107)

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, San Joaquin Motor Truck Lines is ordered to cancel Items 6025 and 6026 (2nd Revised Page 129) of CA PUC No. 4 by July 15, 1991.

Items 6025 and 6026 use zip codes to describe the area involved in performance, but the carrier has not filed for zip code mileage table nor included a page to translate the zip codes into Distance Table 8 convention. The carrier's tariff is governed by Distance Table 8 or any approved zip code mileage tables and Rule 1 of General Order 80-C requires all governing publication(s) to be on file and authorized for use for the concerned carrier by the Commission. The filing was listed on the Commission's Daily Transportation Calendar on June 11, 1991 and was suspended on June 14, 1991.

JUL 2 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1027 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

Common Carrier Tariff Filing)	Order Cancelling Rate
CA PUC No. 8, Items 4685 to 4760)	(Filing Numbered Same as
Super Cal Express)	Order Number Above)
P. O. Box 3245)	
<u>Irwindale, CA 91706-5050</u>)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Super Cal Express is ordered to cancel Items 4685 through 4760 (Original Pages 438 through 453) of CA PUC No. 8 by July 14, 1991.

Items 4686 through 4760 use zip codes to describe the area involved in performance, but the carrier has not filed for zip code mileage table nor included a page to translate the zip codes into Distance Table 8 convention. The carrier's tariff is governed by Distance Table 8 or any approved zip code mileage tables and Rule 1 of General Order 80-C requires all governing publication(s) to be on file and authorized for use for the concerned carrier by the Commission. The filing was listed on the Commission's Daily Transportation Calendar on June 11, 1991 and was suspended on June 13, 1991.

This order issued JUL 2 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1027 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-114,885-4)	Order Canceling Rate
Embrey & Stokes Trucking Co.)	(Filing Numbered Same as
1637 Railroad Avenue)	Order Number Above)
<u>Orland, California 95963</u>)	

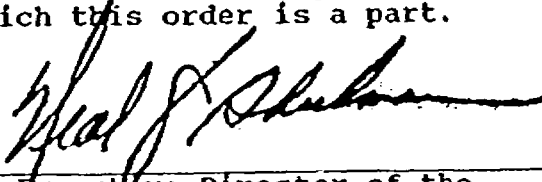
In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-114,885-4 is ordered canceled and will not go into effect July 19, 1991.

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.

Embrey & Stokes Trucking Company filed Special Contract T-114,885-4 with Dole Dried Fruit and Nut Company which appeared on the Commission's Daily Transportation Calendar June 10, 1991. The contract was suspended on June 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-C.

JUL. 2 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1027 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-156,546-107)	Order Cancelling Rate
Nordic Express Freight, Inc.)	
P. O. Box 455)	(Filing Numbered Same as
<u>La Mirada, CA 90638)</u>	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-156,546-107 is ordered canceled and will not go into effect July 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.

Nordic Express Freight, Inc. filed Special Contract T-156,546-107 with El Mar Plastics, which appeared on the Commission's Transportation Calendar June 14, 1991. The contract was suspended on June 21, 1991 for 30 days because it did not include evidence of the substantial shipper obligation required by Rule 6.14 of General Order 147-C.

This order issued JUL 2 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1027 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-156,546-110)	Order Cancelling Rate
Nordic Express Freight, Inc.)	
P. O. Box 455)	(Filing Numbered Same as
<u>La Mirada, CA 90638)</u>	Order Number Above)

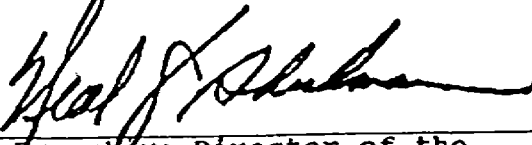
In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-156,546-110 is ordered canceled and will not go into effect July 22, 1991.

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.

Nordic Express Freight, Inc. filed Special Contract T-156,546-110 with Tonka Products, which appeared on the Commission's Transportation Calendar June 14, 1991. The contract was suspended on June 21, 1991 for 30 days because it did not include evidence of the substantial shipper obligation required by Rule 6.14 of General Order 147-C.

JUL 2 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1027 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-156,546-111)	Order Cancelling Rate
Nordic Express Freight, Inc.)	(Filing Numbered Same as
P. O. Box 455)	Order Number Above)
<u>La Mirada, CA 90638</u>)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-156,546-111 is ordered canceled and will not go into effect July 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.

Nordic Express Freight, Inc. filed Special Contract T-156,546-111 with Win-Holt Equipment Group, which appeared on the Commission's Transportation Calendar June 14, 1991. The contract was suspended on June 21, 1991 for 30 days because it did not include evidence of the substantial shipper obligation required by Rule 6.14 of General Order 147-C.

This order issued JUL 2 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1027 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

Special Contract T-170,422-1)
BML Delivery Service)
5362 Roxanne Avenue)
Long Beach, CA 90808)

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

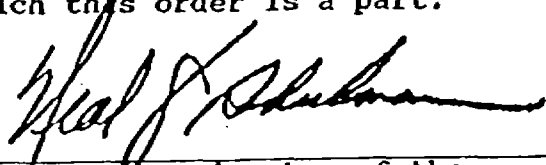
In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-170,422-1 is ordered canceled and will not go into effect July 22, 1991.

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.

BML Delivery Service filed Special Contract T-170,422-1 with Universal Flavors, which appeared on the Commission's Transportation Calendar June 14, 1991. The contract was suspended on June 21, 1991 for 30 days because it did not include evidence of the substantial shipper obligation required by Rule 6.14 of General Order 147-C.

JUL 2 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1027 of which this order is a part.



Executive Director of the
Public Utilities Commission