

MEMORANDUM

Date : July 19, 1991
To : The Commission
(Meeting of July 24, 1991)
From : *Jim Diani*
Jim Diani, Principal
Tariff and License Branch
File No.:
Subject : CA-2

RESOLUTION NO. OCR-1028 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 Nordic Express Freight, Inc.
Carrier failed to show evidence of a substantial shipper obligation in Contract T-156,546-108 as required for a special contract.

OCR 2 Crescent Truck Lines, Inc.
Carrier failed to affix carrier's signature in Contract T-154,407-1304 as required for a special contract.

OCR 3 Nordic Express Freight, Inc.
Carrier failed to show evidence of substantial shipper obligation in Contract T-156,646-108 as required for a special contract.

OCR 4 Crescent Truck Lines, Inc.
Carrier failed to affix carrier's signature in Contract T-154,407-1306 as required for a special contract.

OCR 5 Crescent Truck Lines, Inc.
Carrier failed to affix carrier's signature in Contract T-154,407-1331 as required for a special contract.

OCR 6 Nordic Express Freight, Inc.
Carrier failed to show evidence of substantial shipper obligation in Contract T-156,646-117 as required for a special contract.

OCR 7 Right-O-Way Trucking, Inc.
Carrier failed to affix carrier and shipper's signature in Contract T-162,387-1 as required for a special contract.

July 19, 1991 Memorandum - Page Two
To: The Commission (Meeting of July 24, 1991)
Subject: CA-2

OCR 8 Di Salvo Trucking Co.

Carrier failed to affix shipper's signature in Supplement 1 to Contract T-61,078-1132 as required for a special contract.

OCR 9 Willig Freight Lines

Carrier failed to affix carrier's signature to Contract T-011,501-1320 as required for a special contract.

OCR 10 Super Cal Express, Inc.

Carrier failed to show compensation to be paid and received in Contract T-158,690-81 as required for a special contract.

OCR 11 Rolling Thunder Freight Lines

Carrier failed to show compensation to be paid and received in Contract T-165,078-1 as required for a special contract.

OCR 12 Raymond Nevarez

Carrier filed a common carrier tariff without having the requisite highway common carrier authority.

OCR 13 National Distributors, Inc.

Carrier filed a common carrier tariff without having the requisite highway common carrier authority.

OCR 14 B & R Transport

Carrier failed to show evidence of substantial shipper obligation in Contract T-157,632-2 as required for a special contract.

OCR 15 Andco Transportation Co.

Carrier canceled common carrier tariff rates without accompanying certification under penalty of perjury that rates had not been used for at least 1 year.

OCR 16 D & S Express

Carrier failed to file Addendum 1 to Contract T-157,025-2 prior to the expiration of the contract as required for a special contract.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1028
Transportation Division
July 24, 1991

R E S O L U T I O N

RESOLUTION NO. OCR-1028 ORDER CANCELING 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 canceled.

<u>Rate Canceling Order</u>	<u>Rate Filing By:</u>
OCR No. 1	Nordic Express Freight, Inc. T-156,546 Special Contract T-156,546-108
OCR No. 2	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1304
OCR No. 3	Nordic Express Freight, Inc. T-156,546 Special Contract T-156,546-114
OCR No. 4	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1306
OCR No. 5	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1331
OCR No. 6	Nordic Express Freight, Inc T-156,546 Special Contract T-156,546-117
OCR No. 7	Right-O-Way Trucking, Inc. T-162,387 Special Contract T-162,387-1

Resolution No. OCR-1028
July 24, 1991

OCR No. 8	Di Salvo Trucking Co. T-61,078 Special Contract T-61,078-1132 Supplement 1
OCR No. 9	Willig Freight Lines T-11,501 Special Contract T-11,501-1320
OCR No. 10	Super Cal Express T-158,690 Special Contract T-158,690-81
OCR No. 11	Rolling Thunder Freight Lines T-165,078 Special Contract T-165,078-1
OCR No. 12	Raymond Nevarez T-136,653 Common Carrier Tariff No. 1
OCR No. 13	National Distributors, Inc. T-170,984 Common Carrier Tariff No. 1
OCR No. 14	B & R Transport T-157,632 Special Contract T-157,632-2
OCR No. 15	Andco Transportation Co. T-109,793 Common Carrier Tariff No. 1
OCR No. 16	D & S Express T-157,025 Special Contract T-157,025-2 Addendum 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 canceled.
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-1028
July 24, 1991

Conclusion of Law

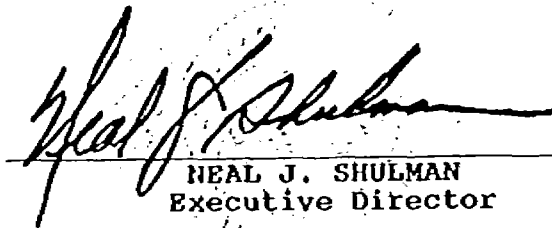
These filings should be canceled.

IT IS ORDERED that:

1. The above rate filings are canceled as specified in the orders canceling 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 24, 1991. The following Commissioners approved it:

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSIER
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-156,546-108)	Order Canceling Rate
Nordic Express Freight, Inc.)	
P. O. Box 455)	(Filing Numbered Same as
La Mirada, California 90637)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-156,546-108 is ordered canceled and will not go into effect July 31, 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 filed Special Contract T-1156,546-108 with Hiway Transfer which appeared on the Commission's Daily Transportation Calendar June 19, 1991. The contract was suspended on July 1, 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 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 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-154,407-1304	)	Order Canceling Rate
Crescent Truck Lines, Inc.)	
2480 Whipple Road	)	(Filing Numbered Same as
Hayward, CA 94544	)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-1304 is ordered canceled and will not go into effect July 27, 1991.

A special contract must include the carrier's signature. Crescent Truck Lines, Inc., filed Special Contract number T-154,407-1304 with Kenney Mfg., Co., which appeared on the Commission's Transportation Calendar June 24, 1991. The special contract was suspended on June 27, 1991, for 30 days because it did not include the carrier's signature, required by rule 6.6(a) of General Order 147-C.

This order issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 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-156,546-114)	Order Canceling Rate
Nordic Express Freight, Inc.)	(Filing Numbered Same as
P. O. Box 455)	Order Number Above)
La Mirada, California 90637)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-156,546-114 is ordered canceled and will not go into effect July 31, 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 filed Special Contract T-1156,546-114 with The Hill Companies which appeared on the Commission's Daily Transportation Calendar June 19, 1991. The contract was suspended on July 1, 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 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 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

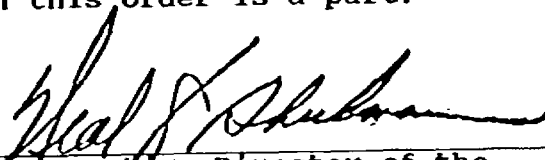
Special Contract T-154,407-1306)	Order Canceling Rate
Crescent Truck Lines, Inc.)	(Filing Numbered Same as
2480 Whipple Road)	Order Number Above)
Hayward, CA 94544)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-1306 is ordered canceled and will not go into effect July 27, 1991.

A special contract must include the carrier's signature. Crescent Truck Lines, Inc., filed Special Contract number T-154,407-1306 with La Mar Nursery which appeared on the Commission's Transportation Calendar June 24, 1991. The special contract was suspended on June 27, 1991, for 30 days because it did not include the carrier's signature, required by rule 6.6(a) of General Order 147-C.

JUL 24 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 5

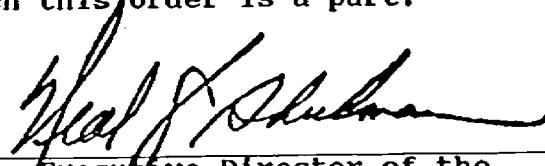
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-154,407-1331)	Order Canceling Rate
Crescent Truck Lines, Inc.)	
2480 Whipple Road)	(Filing Numbered Same as
Hayward, CA 94544)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-1331 is ordered canceled and will not go into effect July 27, 1991.

A special contract must include the carrier's signature. Crescent Truck Lines, Inc., filed Special Contract number T-154,407-1331 with Grainger, Inc., which appeared on the Commission's Transportation Calendar June 24, 1991. The special contract was suspended on June 27, 1991, for 30 days because it did not include the carrier's signature, required by rule 6.6(a) of General Order 147-C.

This order issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 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-156,546-117)	Order Canceling Rate
Nordic Express Freight, Inc.)	
P. O. Box 455)	(Filing Numbered Same as
La Mirada, California 90637)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-156,546-117 is ordered canceled and will not go into effect July 31, 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 filed Special Contract T-1156,546-117 with Challenger Water, International which appeared on the Commission's Daily Transportation Calendar June 19, 1991. The contract was suspended on July 1, 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 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 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

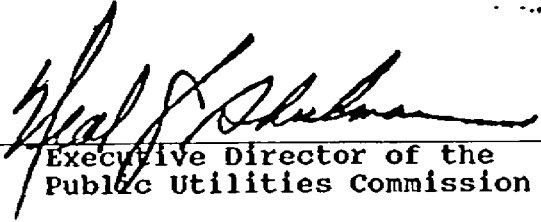
Special Contract T-162,387-1)
Right-O-Way Trucking, Inc.)
220 W. Ivy Street)
Inglewood, CA 90302)

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-162,387-1 is ordered canceled and will not go into effect August 2, 1991.

Right-O-Way Trucking, Inc., filed Special Contract T-162,387-1 with Autospecialty which appeared on the Commission's Daily Transportation Calendar June 20, 1991 and was suspended July 2, 1991. Rules 6.6(a) and (b) of General Order 147-C require all contracts to be signed by the parties involved. The filing does not contain the signatures of both carrier and shipper.

This order issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 8

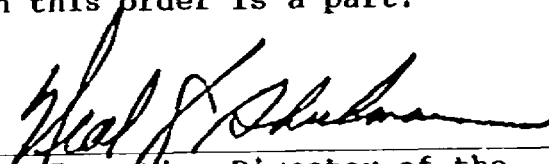
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-61,078-1132)	Order Canceling Rate
Di Salvo Trucking Co.)	(Filing Numbered Same as
660 Mariposa Street)	Order Number Above)
San Francisco, CA 94107)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Supplement 1 to Special Contract T-61,078-1132 is ordered canceled and will not go into effect August 2, 1991.

Di Salvo Trucking Co., filed Supplement 1 to Special Contract T-61,078-1132 with Books, Inc., which appeared on the Commission's Daily Transportation Calendar June 20, 1991 and was suspended July 2, 1991. Rule 6.10(c) of General Order 147-C requires all amendments to contracts to be signed by parties involved. The filing does not contain the shipper's signature.

This order issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 9

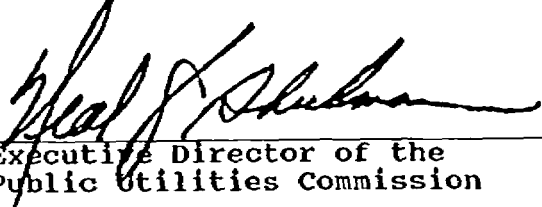
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-011,501-1320)	Order Canceling Rate
Willig Freight Lines)	(Filing Numbered Same as
123 Loomis Street)	Order Number Above)
San Francisco, CA 94124)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-011,501-1320 is ordered canceled and will not go into effect July 27, 1991.

A special contract must include the carrier's signature. Willig Freight Lines filed Special Contract number T-011,501-1320 with BASF Corporation which appeared on the Commission's Transportation Calendar June 24, 1991. The special contract was suspended on June 27, 1991, for 30 days because it did not include the carrier's signature, required by rule 6.6(a) of General Order 147-C.

This order issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 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

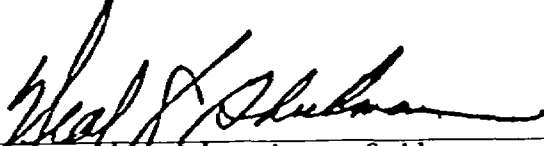
Special Contract T-158,690-81)	Order Canceling Rate
Super Cal Express, Inc.)	(Filing Numbered Same as
P. O. Box 5000)	Order Number Above)
Irwindale, California 91706)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-158,690-81 is ordered canceled and will not go into effect August 11, 1991.

Special contracts must show the compensation to be paid and received as part of the contract unless reference is made to rates in the tariff provisions which govern the carrier's highway common carrier tariff or contract schedule on file with the Commission. Reference to publications other than those mentioned above or further authorized by the Commission is prohibited.

Super Cal Express filed Special Contract T-158,690-81 with General Electric which appeared on the Commission's Daily Transportation Calendar July 2, 1991. The contract was suspended on July 12, 1991 for 30 days because it did not include all of those rates required by Rule 6.6(f), General Order 147-C.

This order issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 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

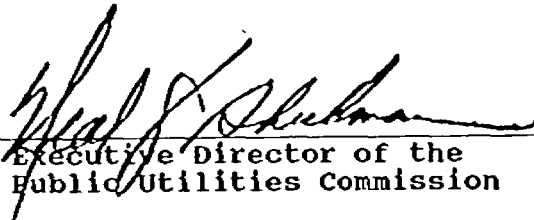
Special Contract T-165,078-1)	Order Canceling Rate
Rolling Thunder Freight Lines)	(Filing Numbered Same as
7701 East Rosecrans Avenue)	Order Number Above)
Paramount, CA 90723)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-165,078-1 with the General Electric Company is ordered canceled and will not go into effect August 12, 1991.

Provisions in Appendix II of the contract with the General Electric Company do not comply with Rule 6.6 (f) of General Order 147-C. A governing publication, RMD 100-D, listed in the contract is not on file with the Commission. The carrier does not participate in the tariff, CAL PUC No. 9, used to determine the applicable rates for transportation performed under the contract. The contract fails to specify that an amendment will be filed when rate changes are made under the procedure identified in the contract as "spot pricing".

The contract was listed on the on the Commission's Daily Transportation Calendar on June 27, 1991 and was suspended for 30 days effective July 12, 1991.

This order is issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1028 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 Tariff Filing	)	Order Canceling Rate
Local Freight Tariff No. 1, CA PUC 1)	
Raymond Nevarez)	
dba Nevarez and Son Trucking	)	(Filing Numbered Same as
425 Leavens Street	)	Order Number Above)
Santa Paula, CA 93060)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Raymond Nevarez, doing business as Nevarez and Son Trucking, is ordered to cancel Local Freight Tariff No. 1, CA PUC 1, by August 15, 1991. Carrier does not hold common carrier authority.

The filing was listed on the Commission's Daily Transportation Calendar on July 10, 1991 and was suspended on July 15, 1991 for 30 days.

This order issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 13

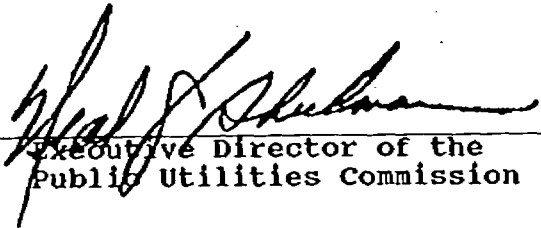
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Tariff Filing	)	Order Canceling Rate
Local Freight Tariff No. 1, CAL PUC 1	)	(Filing Numbered Same as
National Distributors, Inc.	)	Order Number Above)
P. O. Box 255)	
Sellersburg, IA 47172)	

In conformity with the findings and order made by the Commission in a resolution entered this day, National Distributors, Inc., is ordered to cancel Local Freight Tariff No. 1, CAL PUC 1, by August 15, 1991. Carrier does not hold common carrier authority.

The filing was listed on the Commission's Daily Transportation Calendar on July 10, 1991 and was suspended on July 15, 1991 for 30 days.

This order issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 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

Special Contract T-157,632-2)
B & R Transport)
38758 Monson Drive)
Dinuba, CA 93618)

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-157,632-2, is ordered canceled and will not go into effect August 11, 1991.

A special contract must include evidence of the 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. B & R Transport filed Special Contract T-157,632-2 with Dinuba Timber Industries, which appeared on the Commission's Transportation Calendar July 9, 1991. The contract was suspended on July 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 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 15

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Tariff Filing	)	Order Canceling Rate
Local Freight Tariff No. 1, CA PUC No. 1)	
Andco Transportation Co.)	
P. O. Box 67	)	(Filing Numbered Same as
Planada, CA 95365	)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Andco Transportation Co. (Andco) is ordered to cancel Local Freight Tariff No. 1, CA PUC No. 1, by August 16, 1991.

Andco is canceling its participation in West Coast Freight Tariff Bureau, Inc. tariffs and publishing its individual tariff. Andco failed to certify under penalty of perjury that certain rates have not been used for at least one year, as required by Rule 7.3(g) of General Order 147-C.

The filing was listed on the Commission's Daily Transportation Calendar on July 10, 1991 and was suspended on July 16, 1991 for 30 days.

This order issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 16

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Addendum No. 1)
Special Contract T-157,025-2)
D & S Express)
P. O. Box 80991)
Bakersfield, CA 93380)

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, Addendum No. 1 to Special Contract T-157,025-2 is ordered canceled and will not go into effect August 1, 1991.

An amendment to a special contract to extend the duration of a contract, must be filed prior to its termination. D & S Express filed Addendum No. 1 to Special Contract number T-157,025-2 with Mobil Chemical Co., which appeared on the Commission's Transportation Calendar June 24, 1991. The amendment to the special contract was suspended on July 2, 1991, for 30 days because it was not filed prior to the termination of the contract, required by Rule 6.12 of General Order 147-C.

This order issued JUL 24 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1028 of which this order is a part.


Executive Director of the
Public Utilities Commission