

MEMORANDUM

Date : September 3, 1991
To : The Commission
(Meeting of September 6, 1991)
From : *Jim Diani*
Jim Diani, Principal
Tariff and License Branch

File No.:

Subject : CA-2

RESOLUTION NO. OCR-1030 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 Viking Freight System

Common carrier allowed shipper annotation of the shipping document for rate purposes beyond the time of or prior to the pickup of the freight in violation of the general orders.

OCR 2 Houston Trucking

Special Contract T-156,401-1 fails to provide substantial shipper obligation.

OCR 3 McClain Trucking Company

Special Contract T-138,312-2 describes the shipper as a freight forwarder, who is not allowed to enter into Special Contracts.

OCR 4 Holly Transportation

Special Contract T-167,646-5 fails to provide substantial shipper obligation.

OCR 5 Cascade Drayage, Inc.

Special Contract T-65,188-49 fails to provide substantial shipper obligation.

OCR 6 Con-Way Western Express, Inc.

Special Contract T-140,218-4407 does not contain the shipper's signature.

OCR 7 General Transportation, Inc.

Special Contract T-142,626-69 fails to define three-digit zip codes for destination points.

OCR 8 Osburn Trucking Enterprises, Inc.

Common Carrier Contract T-145,435-3 fails to provide service at rates equal or equivalent to the rates published in the carrier's common carrier tariff and does not define the boundaries of the L.A. Basin Territory.

September 3, 1991 Memorandum - Page Two
To: The Commission (Meeting of September 6, 1991)
Subject: CA-2

OCR 9 Teresi Trucking, Inc.
Special Contract T-94,664-26 fails to provide substantial shipper obligation.

OCR 10 Schneider National Carriers, Inc.
Special Contract T-154,662-3 fails to define three-digit zip codes for destination points.

OCR 11 Matheson Fast Freight
Common carrier increased minimum charges greater than provided for in the zone of reasonableness without obtaining the requisite formal authority.

OCR 12 Matheson Fast Freight
Common carrier increased minimum charges greater than provided for in the zone of reasonableness without obtaining the requisite formal authority.

OCR 13 Transportation Development
Carrier filed Common Carrier Contract T-170,720-1 without having the requisite operating authority.

OCR 14 Safe (T) Way Trucking, Inc.
Common Carrier rate filing, Supplement Number 4, contains shipper specific "write-in" type provisions.

OCR 15 Roadway Express Incorporated
Local Freight Tariff No. 1 contains ambiguities and undefined terms which prevent determination of the exact rate to assess a given shipment.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1030
Transportation Division
September 6, 1991

R E S O L U T I O N

RESOLUTION NO. OCR-1030 ORDER CANCELING 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 canceled.

Rate Canceling
Order

Rate Filing By:

OCR No. 1	Viking Freight Systems, Inc. Viking Tariff 646, Items 1111-3028
OCR No. 2	Houston Trucking T-156,401 Contract Carrier Contract T-156,401-1
OCR No. 3	McClain Trucking T-138,312 Special Contract T-138,312-2
OCR No. 4	Holly Transportation T-167,646 Special Contract T-167,646-5
OCR No. 5	Cascade Drayage, Inc. T-65,188 Special Contract T-65,188-49
OCR No. 6	Con-Way Western Express, Inc. T-140,218 Special Contract T-140,218-4077

Resolution No. OCR-1030
September 6, 1991

OCR No. 7	General Transportation, Inc. T-142,626 Special Contract T-142,626-69
OCR No. 8	Osburn Trucking Enterprises, Inc. T-145,435 Common Carrier Contract T-142,435-3
OCR No. 9	Teresi Trucking, Inc. T-94,644 Special Contract T-94,644-26
OCR No. 10	Schneider National Carriers, Inc. T-154,662 Special Contract T-154,662-3
OCR No. 11	Matheson Fast Freight Common Carrier Tariff LFT 2, Items 610, 2600
OCR No. 12	Matheson Fast Freight Common Carrier Tariff LFT 2, Items 4255, 4265, 4270
OCR No. 13	Transportation Development T-170,720 Common Carrier Contract T-170,720-1
OCR No. 14	Safe(T)Way Trucking Supplement 4, CAL PUC #1
OCR No. 15	Roadway Express Local Freight Tariff 1, CAL PUC #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.

Conclusion of Law

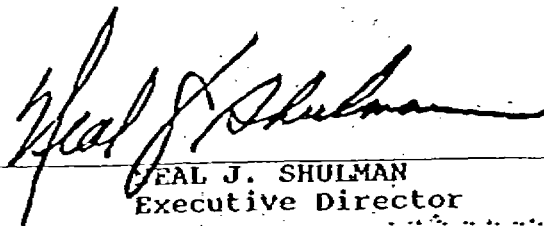
These filings should be canceled.

Resolution No. OCR-1030
September 6, 1991

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 September 6, 1991. The following Commissioners approved it:



NEAL J. SHULMAN
Executive Director

PATRICIA M. ECKERT
President
JOHN B. CHANIAN
DANIEL WM. FESSLER
NORMAN D. SHUMWAY
Commissioners

I abstain.

G. MITCHELL WILK
Commissioner

Order No. OCR 1

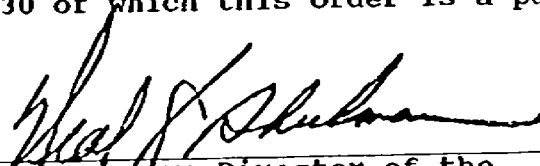
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Tariff Filing	)	Order Canceling Rate
Viking Freight System, Inc.)	
411 E. Plumeria Drive, Suite 148	)	(Filing Numbered Same as
San Jose, California 95134	)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Viking Freight System, Inc., is ordered to cancel 1st revised pages 6 through 38, Items 1111 through 3028, Viking Tariff 646, CA PUC 41 by September 11, 1991. The proposed provision allowing document annotation on day of pickup rather than at the time of or prior to pickup is a violation of Rule 4.1, General Order 155-A. Additionally, the filing was illegible and therefore did not meet requirements of Rule 6.1, General Order 80-C.

This filing was listed on the Commission's Daily Transportation Calendar on August 5, 1991 and was suspended on August 12, 1991 for 30 days.

This order is issued SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1030 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 2

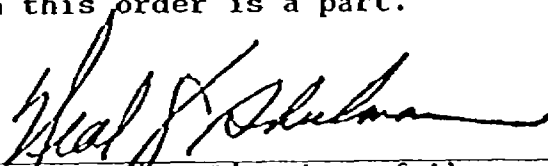
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Contract Carrier Contract T-156,401-1	)	Order Canceling Rate
Houston Trucking)	
1828 Brewer Way	)	(Filing Numbered Same as
Modesto, CA 95355	)	Order Number Above)
_____)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-156,401-1 is ordered canceled and will not go into effect September 7, 1991.

A special contract 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. Houston Trucking filed Contract Carrier Contract No. T-156,401-1 with Nick Sciabica & Sons, which appeared on the Commission's Transportation Calendar July 26, 1991. The contract was suspended on August 8, 1991 for 30 days because it did not include evidence of the substantial shipper obligation required by Rule 3.17 of General Order 147-C.

This order issued SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 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-138,312-2)
McClain Trucking Company)
P.O. Box 2160)
La Puente, CA 91746)

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-138,312-2 is ordered canceled and will not go into effect September 25, 1991.

The contract states that the shipper is a freight forwarder. A freight forwarder authorized to operate in California may not enter into a Special Contract.

McClain Trucking Company filed Special Contract T-138,312-2 with Transportation Service Systems, Inc., which appeared on the Commission's Daily Transportation Calendar August 16, 1991. The contract was suspended on August 26, 1991 for 30 days because freight forwarders cannot enter into Special Contracts, as stated in Public Utilities Code Section 220.

This order is issued SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1030 of which this order is a party.



Executive Director of the
Public Utilities Commission

Order No. OCR 4

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-167,646-5)
Holly Transportation, Inc.)
P. O. Box 6928 Road)
San Jose, California 95150)

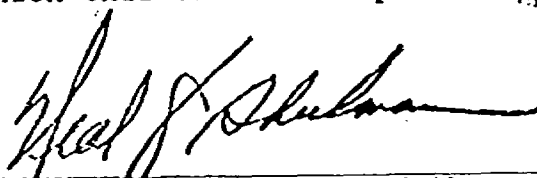
Order Canceling Rate
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-167,646-5 is ordered canceled and will not go into effect September 28, 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.

Holly Transportation filed Special Contract T-167,646-5 with Atwater Canning Company which appeared on the Commission's Daily Transportation Calendar August 20, 1991. The contract was suspended on August 29, 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 SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 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-65,188-49)
Cascade Drayage, Inc.)
P. O. Box 2325)
Merced, CA 95340)

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

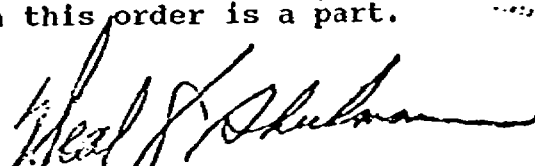
In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-65,188-49 is ordered canceled and will not go into effect September 12, 1991.

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.

Cascade Drayage, Inc. filed Special Contract T-65,188-49 with Georgia-Pacific Corporation, which appeared on the Commission's Transportation Calendar July 31, 1991. The contract was suspended on August 13, 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.

SEP 06 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 6

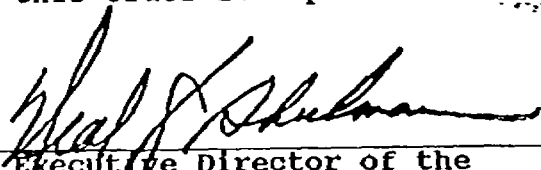
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-140,218-4407)	Order Canceling Rate
Con-Way Western Express, Inc.)	(Filing Numbered Same as
12903 Lakeland Avenue)	Order Number Above)
Santa Fe Springs, CA 90670)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-140,218-4407 is ordered canceled and will not go into effect September 12, 1991.

Con-Way Western Express, Inc. filed Special Contract T-140,218-4407 with Beylik Drilling, Inc., which appeared on the Commission's Transportation Calendar July 31, 1991. The contract was suspended on August 13, 1991 for 30 days because the contract did not include the signature of the shipper as required by Rule 6.6(b) of General Order 147-C.

This order issued SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 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-142,626-69)
General Transportation, Inc.)
3211 Wood Street)
Oakland, CA 94608)

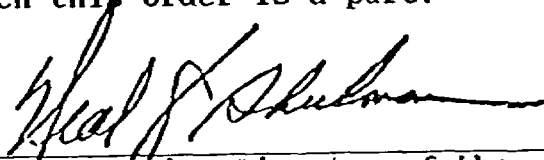
Order Canceling Rate
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-142,626-69 is ordered canceled and will not go into effect September 12, 1991.

The contract provides rates from San Carlos to points identified by three-digit zip codes (Page 5). Zip codes must be precisely defined.

General Transportation, Inc. filed Special Contract T-142,626-69 with Vivion Chemical Co., which appeared on the Commission's Transportation Calendar July 31, 1991. The contract was suspended on August 13, 1991 for 30 days because the contract failed to meet the requirement for defining the zip codes.

This order issued SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 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

Common Carrier Contract T-145,435-3)
Osburn Trucking Enterprises, Inc.)
P. O. Box 800)
Fortuna, CA 95540)

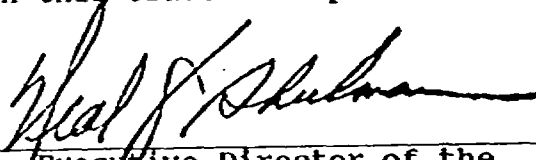
Order Canceling Rate
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Common Carrier Contract T-145,435-3 is ordered canceled and will not go into effect September 20, 1991.

The contract does not meet the requirements of a common carrier contract. The contract does not provide service at rates equal or equivalent to the rates published in the carrier's common carrier tariff. Also, the boundaries of the L.A. Basin Territory are not defined.

Osburn Trucking Enterprises, Inc. filed Common Carrier Contract T-145,435-3 with S and S Roofing Supply, which appeared on the Commission's Transportation Calendar August 12, 1991. The contract was suspended on August 21, 1991 for 30 days.

This order issued SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 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-94,664-26)
Teresi Trucking, Inc.)
P. O. Box 1270)
Lodi, CA 95241)

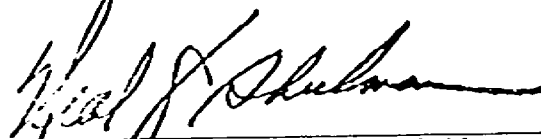
Order Canceling Rate
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-94,664-26 is ordered canceled and will not go into effect September 25, 1991.

The contract states that "Customer agrees to pay all freight bills within 30 days of invoice date." "Overdue amounts are subject to a service charge of one and one half percent (1 1/2%) on the overdue amount for each month or fraction thereof (sic) that they are unpaid." The provision does not meet the requirement for a substantial shipper obligation under Rule 6.14 of General Order 147-C. The contract must either provide for a shipper obligation of \$1,000 per month for delivered transportation services or must call for substantial shipper obligation not normally provided under common carrier tariff rates.

Teresi Trucking, Inc. filed Special Contract T-94,664-26 with Rod McLellan Company, which appeared on the Commission's Transportation Calendar August 12, 1991. The contract was suspended on August 26, 1991 for 30 days.

This order issued SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 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-154,662-3)
Schneider National Carriers, Inc.)
P. O. Box 2545)
Green Bay, WI 54306)

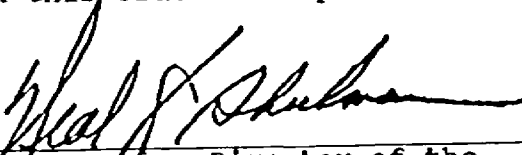
Order Canceling Rate
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,662-3 is ordered canceled and will not go into effect September 25, 1991.

The contract provides rates from Sacramento to points identified by three-digit zip codes (Original Page 2 of Appendix A). Zip codes must be precisely defined.

Schneider National Carriers, Inc. filed Special Contract T-154,662-3 with Campbell Soup Company, which appeared on the Commission's Transportation Calendar August 12, 1991. The contract was suspended on August 26, 1991 for 30 days because the contract failed to meet the requirement for defining the zip codes.

This order issued SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 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 Tariff Filing)
Matheson Fast Freight)
P. O. Box 910)
Elk Grove, California 95759)

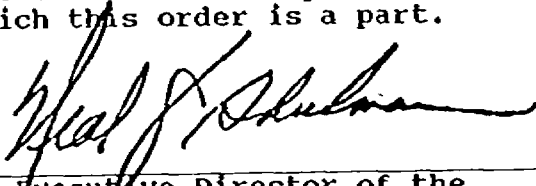
Order Canceling Rate
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Matheson Fast Freight is ordered to cancel its Local Freight Tariff 2 filing of 4th Revised Page 36, Item 610, and 2nd Revised Page 76, Item 2600 of Matheson Local Freight Tariff 2 by September 22, 1991. The rate items contain minimum charge increases in excess of the zone of reasonableness as defined in Rule 3.21, General Order (GO) 147-C. A formal application is, therefore, required by Rule 7.3, GO 147-C.

This filing was listed on the Commission's Daily Transportation Calendar on August 20, 1991 and was suspended on August 23, 1991 for 30 days.

SEP 06 1991

This order issued _____, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 12

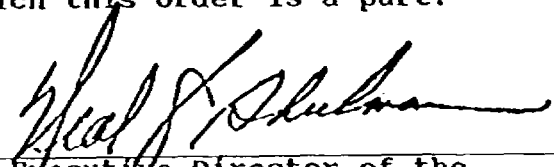
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Tariff Filing)	Order Canceling Rate
Matheson Fast Freight)	(Filing Numbered Same as
P. O. Box 910)	Order Number Above)
Elk Grove, California 95759)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Matheson Fast Freight is ordered to cancel its Local Freight Tariff 2 filing of Original Page 145, Item 4255, Original Page 147, Item 4265, and Original Page 148, Item 4270 of Matheson Local Freight Tariff 2 by September 22, 1991. These new rate items contain minimum charge increases in excess of the zone of reasonableness as defined in Rule 7.2 of General Order (GO) 147-C. Formal authority is necessary for implementation of such increases according to Rule 7.2, GO 147-C.

This filing was listed on the Commission's Daily Transportation Calendar on August 20, 1991 and was suspended on August 23, 1991 for 30 days.

This order issued SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 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-170,720-1	)	Order Canceling Rate
Transportation Development)	
P.O. Box 3781	)	(Filing Numbered Same as
Fontana, CA 92334	)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Common Carrier Contract T-170,720-1 is ordered canceled and will not go into effect September 19, 1991.

Transportation Development filed Common Carrier Contract T-170,720-1 with Ameron Pipe Corporation, Inc., which appeared on the Commission's Daily Transportation Calendar August 14, 1991 and was suspended August 20, 1991. Rule 6.13 of General Order 147-C requires highway carriers to hold both common and contract carrier authorities in order to file common carrier contracts. The carrier does not hold a common carrier certificate.

This order issued SEP 06 1991, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1030 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

Common Carrier Tariff Filing	)	Order Canceling Rate
CA PUC No. 1, Supplement Number 4)	
Safe (T) Way Trucking, Inc.)	
1465 East Franklin Avenue	)	(Filing Numbered Same as
Pomona, CA 91766	)	Order Number Above)

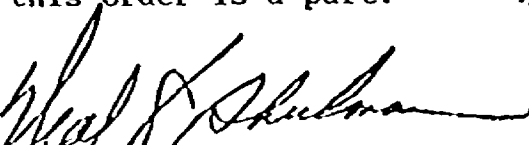
In conformity with the findings and order made by the Commission in a resolution entered this day, Safe (T) Way Trucking, Inc., is ordered to cancel Supplement Number 4 of CA PUC No. 1 by September 22, 1991.

The bill of lading annotation provisions contained in Supplement Number 4 which restrict the application of the discounts contained therein, represent a shipper specific, "write-in" type rate. The Commission in Decision 90-02-021 ordered that tariff rates designed in this manner should be removed from common carrier tariffs, and prohibited carriers from filing these rates.

The filing was listed on the Commission's Daily Transportation Calendar August 23, 1991 and was suspended for 30 days effective August 23, 1991.

SEP 06 1991

This order is issued _____, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1030 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)
Roadway Express Incorporated)
P.O. Box 471, 1077 Gorge Blvd.) (Filing Numbered Same as
Akron, OH 44309-0471) Order Number Above)
_____)

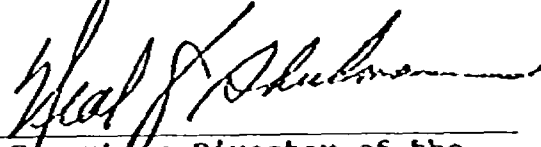
In conformity with the findings and order made by the Commission in a resolution entered this day, Roadway Express Incorporated, is ordered to cancel Local Freight Tariff No. 1, CA PUC No. 1 by September 8, 1991.

Local Freight Tariff No. 1 contains ambiguities, undefined terms and incomplete rules which prevent the user of the tariff from determining the exact rates to apply on a given shipment, as required by Rule 5.4 of General Order 147-C. Furthermore, several governing publications referred to in Local Freight Tariff No. 1 are not on file with the Commission, as required by Rule 5.1 of General Order 147-C.

The filing was listed on the Commission's Daily Transportation Calendar August 2, 1991 and was suspended for 30 days effective August 9, 1991.

SEP 06 1991

This order is issued _____, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1030 of which this order is a part.



Executive Director of the
Public Utilities Commission