

State of California

Public Utilities Commission
San Francisco

MEMORANDUM

Date : October 8, 1991
To : The Commission
(Meeting of October 11, 1991)
From : *Jim Diani*
Jim Diani, Principal
Tariff and License Branch
Subject : CA-2

RESOLUTION NO. OCR-1032 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 Gardenia Foods Company, Inc.
Carrier failed to show evidence of substantial shipper obligation
in Contract T-169,163-GS001 as required for a special contract.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1032
Transportation Division
October 11, 1991

R E S O L U T I O N

RESOLUTION NO. OCR-1032 ORDER CANCELING COMMON
CARRIER TARIFFS, COMMON CARRIER CONTRACTS, AND SPECIAL
CONTRACTS WHICH HAVE BEEN TEMPORARILY SUSPENDED FOR
VIOLATIONS OF D.90-02-021

The filing listed below violates Commission Decision (D.) 90-02-021 and has been suspended. This rate filing has not been amended or corrected and will go into effect at the end of the suspension period, unless the Commission orders this rate filing to be canceled.

Rate Canceling
Order

OCR No. 1

Rate Filing By:

Gardenia Foods Company, Inc.
T-169,163
Special Contract T-169,163-GS001

Findings of Fact

1. The rate filing listed above violates D.90-02-021.
2. The above rate filing was suspended and will go into effect at the end of the suspension period, unless the Commission orders this rate filing canceled.
3. This Commission meeting is the last meeting of the Commission scheduled before the above rate filing will go into effect.
4. A public hearing is not necessary.

Resolution No. OCR-1032
October 11, 1991

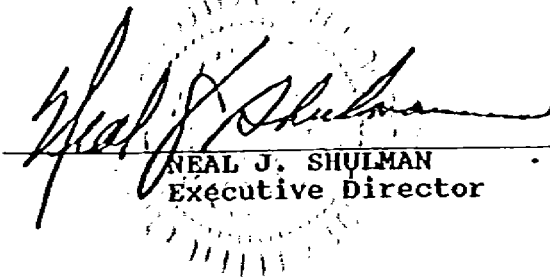
Conclusion of Law

This filing should be canceled.

IT IS ORDERED that:

1. The above rate filing is canceled as specified in the order canceling rate attached.
2. The Executive Director shall serve a copy of this Resolution on the carrier listed above.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on October 11, 1991. The following Commissioners approved it:



NEAL J. SHULMAN
Executive Director

JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

Commissioner Patricia M. Eckert,
being necessarily absent, did
not participate.

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

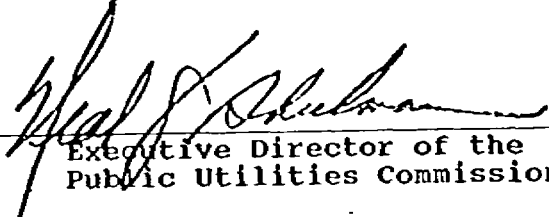
Special Contract T-169,163-GS001)	Order Canceling Rate
Gardenia Foods Company, Inc.)	
5611 East Imperial Highway)	(Filing Numbered Same as
South Gate, CA 90280)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-169,163-GS001 with Transportation & Logistical Concepts is ordered canceled and will not go into effect October 18, 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. The contract contains ambiguities which do not allow a precise determination of the rates and charges to assess for services performed by the carrier. Also, the contract was issued with an alphanumeric designation contrary to Rule 6.8 of General Order 147-C.

The contract was listed on the Commission's Daily Transportation Calendar on September 3, 1991 and was suspended on September 18, 1991 for 30 days for failure to comply with Rules 6.6 and 6.14 of General Order 147-C.

This order is issued OCT 11 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1032 of which this order is a part.


Executive Director of the
Public Utilities Commission