

MEMORANDUM

Date : November 26, 1991
To : The Commission
(Meeting of December 4, 1991)
From : *J. Diani*
Jim Diani, Principal
Tariff and License Branch
File No. :
Subject : CA-2

RESOLUTION NO. OCR-1036 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 Horizon Trucking
Carrier failed to show evidence of substantial shipper obligation
in Contract T-159,177-1001 as required for a special contract.

OCR 2 Horizon Trucking
Carrier failed to show evidence of substantial shipper obligation
in Contract T-159,177-1002 as required for a special contract.

OCR 3 Horizon Trucking
Carrier failed to show evidence of substantial shipper obligation
in Contract T-157,177-1003 as required for a special contract.

OCR 4 Frontier Building Supply Co.
Carrier filed Contract T-143,975-1, however contract carrier
permit was previously revoked.

OCR 5 P M Transportation
Carrier failed to show evidence of substantial shipper obligation
in Contract T-146,943-6 as required for a special contract.

OCR 6 SdA Transportation
Carrier failed to adequately define in its tariff filing the
service being offered to the public.

OCR 7 PM Trucking
Carrier failed to show evidence of substantial shipper obligation
in Contract T-144,234-1 as required for a special contract.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1036
Transportation Division
December 4, 1991

R E S O L U T I O N

RESOLUTION NO. OCR-1036 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 | Horizon Trucking T-159,177 Special Contract T-159,177-1001 |
| OCR No. 2 | Horizon Trucking T-159,177 Special Contract T-159,177-1002 |
| OCR No. 3 | Horizon Trucking T-159,177 Special Contract T-159,177-1003 |
| OCR No. 4 | Frontier Building Supply Co. T-143,975 Special Contract T-143,975-1 |
| OCR No. 5 | P M Transportation T-146,943 Special Contract T-146,943-6 |
| OCR No. 6 | SdA Transportation Corporation Tariff 200, Item 300 |

Resolution No. OCR 1036
December 4, 1991

OCR No. 7

PM Trucking
T-144,234
Special Contract T-144;234-1

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.

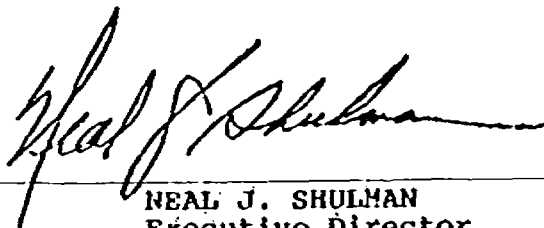
Conclusion of Law

These filings should be canceled.

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 December 4, 1991. The following Commissioners approved it:



NEAL J. SHULMAN
Executive Director

PATRICIA M. ECKERT
President
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

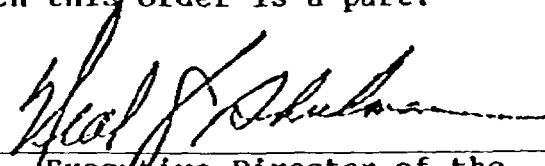
| | | |
|---------------------------------|---|--------------------------|
| Special Contract T-159,177-1001 |) | Order Canceling Rate |
| Horizon Trucking |) | |
| 5034 Bluff Place |) | (Filing Numbered Same as |
| El Cajon, CA 92020 |) | Order Number Above) |

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-159,177-1001 is ordered canceled and will not go into effect December 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 calculated by multiplying the rate by the projected tonnage. Horizon Trucking filed special contract number T-159,177-1001 with Delimex, which appeared on the Commission's Daily Transportation Calendar November 20, 1991. The contract was suspended on November 22, 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. In addition, the contract lacks the specific effective date as required by Rule 8.2 of General Order 147-C.

DEC 4 1991

This order is issued _____, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1036 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-159,177-1002 |) | Order Canceling Rate |
| Horizon Trucking |) | |
| 5034 Bluff Place |) | (Filing Numbered Same as |
| El Cajon, CA 92020 |) | Order Number Above) |

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-159,177-1002 is ordered canceled and will not go into effect December 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 calculated by multiplying the rate by the projected tonnage. Horizon Trucking filed special contract number T-159,177-1002 with Bayside Frozen Food, Inc., which appeared on the Commission's Daily Transportation Calendar November 20, 1991. The contract was suspended on November 22, 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. In addition, the contract lacks the specific effective date as required by Rule 8.2 of General Order 147-C.

This order is issued DEC 4 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1036 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 3

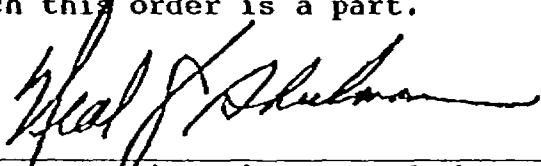
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

| | | |
|---------------------------------|---|--------------------------|
| Special Contract T-159,177-1003 |) | Order Canceling Rate |
| Horizon Trucking |) | |
| 5034 Bluff Place |) | (Filing Numbered Same as |
| El Cajon, CA 92020 |) | Order Number Above) |

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-159,177-1003 is ordered canceled and will not go into effect December 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 calculated by multiplying the rate by the projected tonnage. Horizon Trucking filed special contract number T-159,177-1003 with Sunset Specialty Food, which appeared on the Commission's Daily Transportation Calendar November 20, 1991. The contract was suspended on November 22, 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. In addition, the contract lacks the specific effective date as required by Rule 8.2 of General Order 147-C.

This order is issued DEC 4 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1036 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

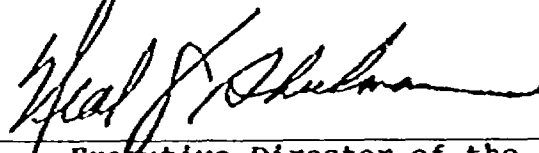
| | |
|---------------------------------|--------------------------|
| Special Contract T-143,975-1) | Order Canceling Rate |
| Frontier Building Supply Co.,) | (Filing Numbered Same as |
| 7425 Coldwater Canyon) | Order Number Above) |
| North Hollywood, CA 91605) | |

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-143,975-1 with P. W. Gillibrand is ordered canceled and will not go into effect December 18, 1991.

The carrier's permit to operate as a contract carrier was previously revoked. Until another permit is issued, the carrier is prohibited from engaging in contract carriage. General Order 147-C specifies that only a contract carrier as defined in PUC Code Section 3517 may file contracts.

The contract was listed on the Commission's Daily Transportation Calendar on November 6, 1991 and was suspended on November 18, 1991 for 30 days.

This order is issued DEC 4 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1036 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-146,943-6)
P M Transportation)
1246 Marin Avenue)
Richmond, CA 94806)

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-146,943-6 with Grinnell Corp. is ordered canceled and will not go into effect December 20, 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 carrier failed to provide in the contract evidence of substantial shipper obligation as required by Rule 6.14 of General Order 147-C. Furthermore, the contract contains ambiguities which do not allow a precise determination of the compensation to be received by the carrier.

The contract was listed on the Commission's Daily Transportation Calendar on November 6, 1991 and was suspended on November 20, 1991 for 30 days.

This order is issued DEC 4 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1036 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

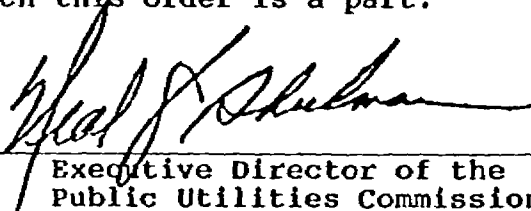
| | | |
|--------------------------------|---|--------------------------|
| Common Carrier Tariff Filing |) | Order Canceling Rate |
| CA PUC 1, Item 300, |) | |
| 2nd Revised Page 20 |) | (Filing Numbered Same as |
| SdA Transportation Corporation |) | Order Number Above) |
| 1346 E. Taylor Street |) | |
| San Jose, CA 95133 |) | |

In conformity with the findings and order made by the Commission in a resolution entered this day, SdA Transportation Corporation is ordered to cancel Item 300 (2nd Revised Page 20) of CA PUC No. 1 by December 21, 1991.

The tariff filing does not adequately describe the service the carrier intends to offer the public. Tariff provisions are not specific as to fully inform shippers of carrier's intent to limit its liability.

This filing was listed on the Commission's Daily Transportation Calendar on November 15, 1991 and was suspended on November 21, 1991 for 30 days for failure to comply with Rule 5.4 of General Order 147-C.

This order is issued DEC 4 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1036 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-144,234-1)
PM Trucking)
4516 W. 135th Street)
Hawthorne, CA 90250)
_____)

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-144,234-1 is ordered canceled and will not go into effect December 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 calculated by multiplying the rate by the projected tonnage. PM Trucking filed special contract number T-144,234-1 with Learned Lumber, which appeared on the Commission's Daily Transportation Calendar November 20, 1991. The contract was suspended on November 22, 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. In addition, the contract lacks the specific effective date as required by Rule 8.2, and a description of the method by which distance shall be computed as required by Rule 11.4 of General Order 147-C.

This order is issued DEC 4 1991, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1036 of which this order is a part.



Executive Director of the
Public Utilities Commission