

MEMORANDUM

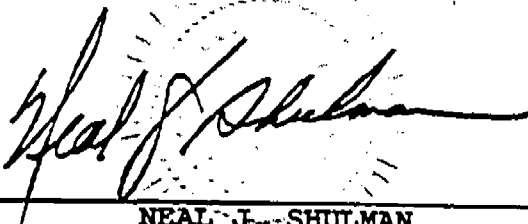
Date : February 14, 1992
To : The Commission
(Meeting of February 20, 1992)
From : *Jim Diani*
Jim Diani, Principal
Tariff and License Branch
Subject : CA-2

RESOLUTION NO. OCR-1041 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 R.B. Browns Trucking
Carrier failed to show evidence of substantial shipper obligation
in Contract T-157,515-2 as required for a special contract.

Resolution No. OCR-1041
February 20, 1992

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on February 20, 1992. The following Commissioners approved it:

A handwritten signature in cursive script, reading "Neal J. Shulman", is written over a circular embossed seal. The seal features a sunburst design in the center and a dotted outer border.

NEAL J. SHULMAN
Executive Director

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

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

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1041
Transportation Division
February 20, 1992

RESOLUTION

RESOLUTION NO. OCR-1041 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:

R. B. Browns Trucking
T-106,879
Special Contract 157,515-2

Findings of Fact

1. The rate filing listed above violate 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.

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.

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-157,515-2)
R. B. Browns Trucking)
5758 Crater Lake Highway)
Central Point, OR 97502)

Order Canceling Rate

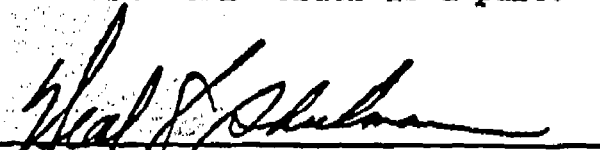
(Filing Numbered Same as
Order Number above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-157,515-2 is ordered canceled and will not go into effect February 27, 1992.

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. R. B. Browns Trucking field special contract number T-157,515-2 with P & M Cedar Products which appeared on the Commission's Daily Transportation Calendar January 24, 1992. The contract was suspended on January 27, 1992 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, and was designated without the carrier's proper "T" number.

FEB 20 1992

This order is issued _____, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1041 of which this order is a part.



Executive Director of the
Public Utilities Commission