State of California

MBHORANDUM

Date : March 9, 1992

To

From

: The Commission (Meeting of March 11, 1992)

Jim Diani, Principal Tariff and License Branch

File No.:

contract.

Subject : CA-2

RESOLUTION NO. OCR-1042 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 Abes Transport Carrier failed to show specific effective date of Contract

Carrier failed to show specific effective date of contract T-172,115-1 as required for a special contract.

OCR 2 <u>Donco Carriers</u> Carrier failed to show specific effective date of Contract T-144,671-4 as required for a special contract.

OCR 3 Loudon Trucking Company Carrier failed to show specific effective date of Contract T-138,387-33 as required for a special contract.

OCR 4 <u>Crescent Truck Lines, Inc.</u> Carrier failed to show evidence of substantial shipper obligation in Contract T-154,407-1748 as required for a special contract.

OCR 5 <u>Crescent Truck Lines, Inc.</u> Carrier failed to show evidence of substantial shipper obligation in Contract T-154,407-1754 as required for a special contract.

OCR 6 <u>Excel Trans</u> Carrier failed to show evidence of substantial shipper obligation in Contract T-170,958-07 as required for a special contract.

OCR 7 <u>Bill Hicks Trucking</u> Carrier failed to : 1) include signatures of both shipper and carrier, and 2) failed to show evidence of substantial shipper obligations in Contract T-127,108-1 as required for a special March 11, 1992 Memorandum - Page Two To: The Commission (Meeting of March 11, 1992) Subject: CA-2

OCR 8 <u>C. De Jong Trucking, Inc.</u> Carrier failed to show evidence of substantial shipper obligations in Contract T-130,144-1 as required for a special contract.

OCR 9 <u>Panther Line. Inc.</u> Carrier failed to show compliance with renewal procedures (ie. the need to file an amendment with the Commission) in Contract T-134,316-181 as required for a special contract.

OCR 10 <u>Shannon Bros. Co. Inc.</u> Carrier failed to show evidence of substantial shipper obligations in Contract T-69,377-3 as required for a special contract.

OCR 11 <u>Shannon Bros. Co. Inc.</u> Carrier failed to show evidence of substantial shipper obligations in Contract T-69,377-2 as required for a special contract.

OCR 12 <u>Robert C. Head</u> Carrier failed to show specific termination date of Contract T-104,179-1 as required for a special contract.

OCR 13 <u>Yates Trucking</u> Carrier failed to show evidence of substantial shipper obligations in Contract T-112,737-1 as required for a special contract.

OCR 14 <u>Royal Express Inc.</u> Carrier failed to show evidence of substantial shipper obligations in Contract T-168,989-8 as required for a special contract.

OCR 15 <u>Shane Transport</u> Carrier failed to show specific termination date of Contract T-110,036-186 as required for a special contract.

OCR 16 <u>Shane Transport</u> Carrier failed to show specific termination date of Contract T-110,036-185 as required for a special contract.

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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1042 Transportation Division March 11, 1992

RESOLUTION

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RESOLUTION NO. OCR-1042 ORDER CANCELING COMMON CARRIER TARIFFS, COMMON CARRIER CONTRACTS, AND SPECIAL CONTRACTS WHICH HAVE BEEN TEMPORARILY SUSPENDED FOR VIOLATIONS OF D.90-02-021

The 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.

Rate Canceling Order	Rate filing By:
OCR No. 1	Abes Transport T-172,115 Special Contract T-172,115-1
OCR No. 2	Donco Carriers T-144,671 Special Contract T-144,671-4
OCR No. 3	Loudon Trucking Company T-138,387 Special Contract T-138,387-33
OCR No. 4	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1748
OCR No. 5	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-1754
OCR No. 6	Excel Trans T-170,958 Special Contract T-170,958-07

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Resolution No. OCR 1042 March 11, 1992

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OCR No. 7	Bill Hicks Trucking T-127,108 Special Contract T-127,108-1
OCR No. 8	C. De Jong Trucking, Inc. T-130,144 Special Contract T-130,144-1
OCR No. 9	Panther Line, Inc. T-134,316 Special Contract T-134,316-181
OCR No. 10	Shannon Bros. Co., Inc. T-69,377 Special Contract T-69,377-3
OCR No. 11	Shannon Bros. Co., Inc. T-69,377 Special Contract T-69,377-2
OCR No. 12	Robert C. Head T-104,179 Special Contract T-104,179-1
OCR No. 13	Yates Trucking T-112,737 Special Contract T-112,737-1
OCR No. 14	Royal Express, Inc. T-168,989 Special Contract T-168,989-8
OCR No. 15	Shane Transport T-110,036 Special Contract T-110,036-186
OCR NO. 16	Shane Transport T-110,036 Special Contract T-110,036-185

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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.

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Resolution No. OCR 1042 March 11, 1992

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- 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 March 11, 1992. The following Commissioners approved it:

NEAL J. SHULMAN Executive Director

DANIEL WM. FESSLER President JOHN B. OHANIAN PAIRICIA M. ECKERI NORMAN D. SHUMWAY COMMISSIONERS

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-172,115-1 Abes Transport 243 Twin Oaks Healdsburg, CA 95448 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-172,115-1 is ordered canceled and will not go into effect March 20, 1992.

A special contract must cite a specific effective date. Abes Transport filed Special Contract T-172,115-1 with Martin Forest Industries which appeared on the Commission's Transportation Calendar February 6, 1992. The contract was suspended on February 19, 1992, for 30 days because it did not cite a specific effective date (20 days after listing on the Commission's Daily Transportation Calendar), as required by Rule 8.2 of General Order 147-C.

This order is issued MAR 11 1992 , by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1042 of which this order is a part.

Executive Director of the Public Utilities Commission

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-144,671-4 Donco Carriers P.O. Box 75367 Oklahoma City, OK 73147

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-144,671-4 is ordered canceled and will not go into effect March 22, 1992.

A special contract must cite a specific effective date. Donco Carriers filed Special Contract T-144,671-4 with McCain Citrus, Inc., which appeared on the Commission's Transportation Calendar February 14, 1992. The contract was suspended on February 21, 1992, for 30 days because it did not cite a specific effective date (20 days after listing on the Commission's Daily Transportation Calendar), as required by Rule 8.2 of General Order 147-C.

This order is issued MAR 11 1992, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1042 of which this order is a part.

Executive Director of the Public Utilities Commission

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-138,387-33 Loudon Trucking Company 404 S. Lemon #11 Walnut, CA 91789 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-138,387-33 is ordered canceled and will not go into effect March 28, 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.

Loudon Trucking Company filed special contract number T-138,387-33 with Pioneer Stationers, Inc., which appeared on the Commission's Daily Transportation Calendar February 25, 1992. The contract was suspended on February 27, 1992 for 30 days because it did not include evidence of the substantial shipper obligation, named in Rule 3.13 and 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 ______, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1042 of which this order is a part.

Executive Director of the Public Utilities Commission

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-154,407-1748) Crescent Truck Lines, Inc.) 2840 Whipple Road) Hayward, CA 94544) 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-154,407-1748 with Amcel West is ordered canceled and will not go into effect March 26, 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.

The contract was listed on the Commission's Daily Transportation Calendar on February 21, 1992 and was suspended on February 24, 1992 for 30 days. The contract was suspended because it did not include evidence of substantial shipper obligation as required by Rule 6.14 of General Order 147-C.

MAR 11 1992

This order is issued _____, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this order is a part.

Executive Director of the Public Utilities Commission

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Special Contract T-154,407-1754 Crescent Truck Lines, Inc. 2840 Whipple Road Hayward, CA 94544 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-154,407-1754 with Rolling Hills Plastics is ordered canceled and will not go into effect March 26, 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.

The contract was listed on the Commission's Daily Transportation Calendar on February 21, 1992 and was suspended on February 24, 1992 for 30 days. The contract was suspended because it did not include evidence of substantial shipper obligation as required by Rule 6.14 of General Order 147-C.

This order is issued <u>MAR 11 1992</u>, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this prder is a part.

Executive Director of the Jublic Utilities Commission

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-170,958-07 Excel Trans 290 West Channel Road P.O. Box 866 Benicia, CA 94510-0866

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-154,407-1754 with Quick Stop Markets is ordered canceled and will not go into effect March 26, 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.

The contract was listed on the Commission's Daily Transportation Calendar on February 21, 1992 and was suspended on February 24, 1992 for 30 days. The contract was suspended because it did not include evidence of substantial shipper obligation as required by Rule 6.14 of General Order 147-C.

This order is issued MAR 11 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this order is a part.

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Executive Director of the Public Utilities Commission

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-127,108-1) Bill Hicks Trucking 2490 Alliance Road Arcata, CA 95521

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-127,108-1 with Cascade Forest Products is ordered canceled and will not go into effect February 27, 1992.

Special Contracts must contain the signatures of both carrier and shipper. This contract does not contain the signature of the shipper.

Special Contracts also 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 obligations as required by Rule 6.14 of General Order 147-C.

The contract was listed on the Commission's Daily Transportation Calendar on February 7, 1992 and was suspended on February 21, 1992.

MAR 11 1992

This order is issued on "MAR 11 1332", by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this order is a part of

Executive Director of the Public Utilities Commission

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-130,144-1 C. De Jong Trucking, Inc. P.O. Box 126 Ripon, CA 95366 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-130,144-1 with Pacific Coast Building Products, Inc. is ordered canceled and will not go into effect March 9, 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. The carrier failed to provide in the contract evidence of substantial shipper obligations 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 February 11, 1992 and was suspended on February 19, 1992 for 30 days.

This order is issued MAR 11 1992 , by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this order is a part.

Executive Director of the Public Utilities Commission

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-134,316-181) Panther Line, Inc. 23475 Eichler Hayward, CA 94545

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-134,316-181 is ordered canceled and will not go into effect March 7, 1992.

Special Contracts can only be renewed upon the filing of an amendment with the commission as stated in Rule 6.3 of General Order 147-C. Special Contract T-134,316-181 discussed renewal procedures between carrier and shipper but failed to make reference to the requirement of filing an amendment for renewal with the Commission.

This Special Contract was listed on the Commission's Daily Transportation Calendar on February 18, 1992 and was suspended on February 24, 1992 for 30 days.

MAR 11 1992

This order is issued MARII 1992 , by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this order is a part.

Executive Director of the Public Utilities Commission

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-69,377-3 Shannon Bros. Co. 24478 Road 140 Tulare, CA 93274 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-69,377-3 with Valley Vinters Wine is ordered canceled and will not go into effect March 9, 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. The carrier failed to provide in the contract evidence of substantial shipper obligations 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 February 18, 1992 and was suspended on February 24, 1992 for 30 days.

This order is issued MAK 11 1992 , by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this, order is a part.

Executive Director of the Public Utilities Commission

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-69,377-2) Shannon Bros. Co.) 24478 Road 140) Tulare, CA 93274) 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-69,377-2 with Valley Vinters Wine is ordered canceled and will not go into effect March 9, 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. The carrier failed to provide in the contract evidence of substantial shipper obligations 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 February 18, 1992 and was suspended on February 24, 1992 for 30 days.

This order is issued ______, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this order is a part.

Executive Director of the Public Utilities Commission

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Special Contract T-104,179-1 Robert C. Head 1653 Ocaso Camino Fremont, CA 93745

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-104,179-1 with Cargill Inc., Salt Division is ordered canceled and will not go into effect March 19, 1992.

Special contracts must contain a specific termination date as stated in Rule 6.3 of General Order 147-C. Furthermore, contract service shall not be made effective for more than one year. This contract made no provision for expiration of service and therefore was suspended.

This contract was listed on the Commission's Daily Transportation Calendar on February 28, 1992 and was suspended on March 2, 1992 for 30 days.

This order is issued <u>MAR 11 1992</u>, by the Public Utilities Commission of the State of California, by the adoption of the Resolution No. OCR-1042 of which this order is a part.

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Executive Director of the Public Utilities Commission

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-112,737-1 Yates Trucking 880 Exley Road Willits, CA 95490

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-112,737-1 with Cascade Forest Products is ordered canceled and will not go into effect March 11, 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. The carrier failed to provide in the contract evidence of substantial shipper obligations 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 February 20, 1992 and was suspended on March 3, 1992 for 30 days.

This order is issued MAR 11 1992 , by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this, order is a part.

Executive Director of the Public Utilities Commission

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-168,989-8) Royal Express, Inc.) 2774 S. Orange Ave.) Fresno, CA 93725)

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-168,989-8 with H. J. Heinz USA is ordered canceled and will not go into effect March 15, 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. The carrier failed to provide in the contract evidence of substantial shipper obligations 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 February 24, 1992 and was suspended on March 3, 1992 for 30 days.

This order is issued MAR 11 1992 , by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this order is a part.

Executive Director of the Public Utilities Commission

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Special Contract T-110,036-186 Shane Transport P.O. Box 2718 Fresno, CA 93745

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-110,036-186 with World Trade is ordered canceled and will not go into effect March 11, 1992.

Special contracts must contain a specific termination date as stated in Rule 6.3 of General Order 147-C. Furthermore, contract service shall not be made effective for more than one year. This contract made no provision for expiration of service and therefore was suspended.

The contract was listed on the Commission's Daily Transportation Calendar on February 20, 1992 and was suspended on February 28, 1992 for 30 days.

This order is issued MAR 11 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this order is a part.

Public Otilities Commission

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-110,036-185) Shane Transport) P.O. Box 2718) Fresno, CA 93745)

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-110,036-185 with Champion Pneumatic Machinery Co., Inc. is ordered canceled and will not go into effect March 11, 1992.

Special contracts must contain a specific termination date as stated in Rule 6.3 of General Order 147-C. Furthermore, contract service shall not be made effective for more than one year. This contract made no provision for expiration of service and therefore was suspended.

The contract was listed on the Commission's Daily Transportation Calendar on February 20, 1992 and was suspended on February 28, 1992 for 30 days.

This order is issued MAR 11 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1042 of which this order is a part.

Executive Director of the Public Utilities Commission