

MEMORANDUM

Date : April 20, 1992
To : The Commission
(Meeting of April 22, 1992)
From : *Jim Diani*
Jim Diani, Principal
Tariff and License Branch

File No.:

Subject : CA-2

RESOLUTION NO. OCR-1045 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 Morada Distribution, Inc.
Carrier failed to show evidence of substantial shipper
obligations in Contract T-151,953-14 as required for a special
contract.

OCR 2 Mike Rodriguez Trucking
Carrier failed to show evidence of substantial shipper
obligations in Contract T-161,241-2 as required for a special
contract.

OCR 3 Mike Rodriguez Trucking
Carrier failed to show evidence of substantial shipper
obligations in Contract T-161,241-3 as required for a special
contract.

OCR 4 L.M.E., Inc.
Carrier failed to show evidence of substantial shipper
obligations in Contract T-159,412-17 as required for a special
contract.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1045
Transportation Division
April 22, 1992

RESOLUTION

RESOLUTION NO. OCR-1045 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	Morada Distribution, Inc. T-151,953 Special Contract T-151,953-14
OCR No. 2	Mike Rodriguez Trucking T-161,241 Special Contract T-161,241-2
OCR No. 3	Mike Rodriguez Trucking T-161,241 Special Contract T-161,241-3
OCR No. 4	L.M.E., Inc. T-159,412 Special Contract T-159,412-17

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.

Resolution No. OCR-1045
April 22, 1992


Conclusion of Law

These filings should be canceled.

IT IS ORDERED that:

1. The above rate filings are canceled as specified in the order 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 April 22, 1992. The following Commissioners approved it:



NEAL J. SHULMAN
Executive Director

DANIEL Wm. FESSLER
President
JOHN B. CEANDAN
PATRICIA M. ECKERT
NORMAN D. SHIMWAY
Commissioners

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-151,953-14)	Order Canceling Rate
Morada Distribution, Inc.)	
P.O. Box 5305)	(Filing Numbered Same as
Stockton, CA 95205)	Order Number Above)

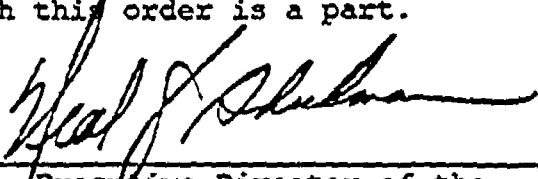
In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-151,953-14 with The Wine Group, Inc. is ordered canceled and will not go into effect May 3, 1992.

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 March 27, 1992 and was suspended on April 2, 1992 for 30 days.

This order is issued APR 22 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1045 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-161,241-2)
Mike Rodriguez Trucking)
6657 Stonepine Ln.)
San Diego, CA 92139)

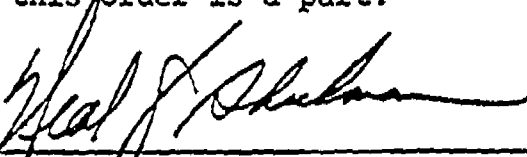
Order Canceling Rate
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-161,241-2 with Cadillac Plastics, Inc. is ordered canceled and will not go into effect May 3, 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 3.17 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 March 26, 1992 and was suspended on April 3, 1992 for 30 days.

This order is issued APR 22 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1045 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-161,241-3)
Mike Rodriguez Trucking)
6657 Stonepine Ln.)
San Diego, CA 92139)

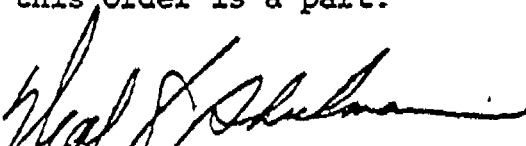
Order Canceling Rate
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-161,241-3 with Nationwide Papers is ordered canceled and will not go into effect May 3, 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 3.17 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 March 26, 1992 and was suspended on April 3, 1992 for 30 days.

This order is issued APR 22 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1045 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-159,412-17)
L.M.E., Inc.)
1439 N.E. 6th St., Suite 2)
P.O. Box 409)
Grants Pass, OR 97526)

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-159,412-17 with Sumiden Wire is ordered canceled and will not go into effect May 10, 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 3.17 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.

In addition, the contract specifies that rate charges are subject to mileage determinations as agreed between carrier and shipper. This is ambiguous.

The contract was listed on the Commission's Daily Transportation Calendar on March 26, 1992 and was suspended on April 10, 1992 for 30 days.

This order is issued APR 22 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1045 of which this order is a part.



Executive Director of the
Public Utilities Commission