

MEMORANDUM

Date : May 5, 1992  
To : The Commission  
(Meeting of May 8, 1992)  
From : Jim Dianl, Principal  
Tariff and License Branch  
File No.:  
Subject : CA-2

RESOLUTION NO. OCR-1046 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 C & P Dravage

Carrier lacked the requisite operating authority (highway contract permit) to file a special contract.

OCR 2 Mountain Valley Express

Special Contract T-121,927-264 did not cite a specific termination date.

OCR 3 Rush Trucking, Inc.

Special Contract T-166,774-5 did not have a consecutive suffix number, as required of a subsequent contract filing.

OCR 4 Merchants of California

Carrier failed to show evidence of substantial shipper obligations in Contract T-172,718-1215 as required for a special contracts.

OCR 5 Viking Freight System, Inc.

Carrier filed Special Contracts as listed in Appendix "A". Each contract stipulates that its rates, terms and conditions are governed by "VIKN 105 (Direct Points)". "VIKN 105" is not on file with the Commission.

OCR 6 Viking Freight System, Inc.

Carrier failed to cite Commission authority on tariff filing.

OCR 7 Con-Way Western Express, Inc.

Carrier failed to cite Commission authority on tariff filings.

May 5, 1992 Memorandum - Page Two  
To: The Commission (Meeting of May 8, 1992)  
Subject: CA-2

OCR 8 Barnard, DBA Barnard's Transportation  
Carrier lacked the requisite operating authority (highway common carrier certificate) to file a common carrier contract.

OCR 9 Viking Freight System, Inc.  
Carrier filed Special Contracts as listed in Appendix "A". Each contract stipulates that its rates, terms and conditions are governed by "VIKN 105 (Direct Points)". "VIKN 105" is not on file with the Commission.

Resolution No. OCR-1046  
May 8, 1992

OCR No. 8

Barnard's Transportation  
T-161,367-08  
Common Carrier Contract

OCR No. 9

Viking Freight System, Inc.  
T-84,649  
Special Contracts T-84,649-4244 through 4269

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.

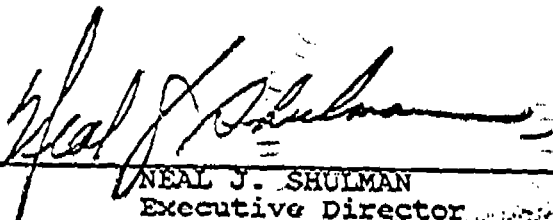
Conclusion of Law

These filings should be canceled.

IT IS ORDERED that:

1. The above rate filings are canceled as specified in the 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 May 8, 1992. The following Commissioners approved it:

  
NEAL J. SHULMAN  
Executive Director

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

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1046  
Transportation Division  
May 8, 1992

RESOLUTION

RESOLUTION NO. OCR-1046 ORDER CANCELING COMMON CARRIER TARIFFS, COMMON CARRIER CONTRACTS, AND SPECIAL CONTRACTS WHICH HAVE BEEN TEMPORARILY SUSPENDED FOR VIOLATIONS OF D.90-02-021

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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.

Rate Canceling  
Order

Rate filing By:

OCR No. 1	C & P Drayage T-162,028 Special Contract T-162,028-2
OCR No. 2	Mountain Valley Express T-121,927 Special Contract T-121,927-264
OCR No. 3	Rush Trucking, Inc. T-166,774 Special Contract T-166,774-5
OCR No. 4	Merchants of California T-172,716 Special Contract T-172,716-1215
OCR No. 5	Viking Freight System, Inc. T-84,649 Special Contracts (see attached Appendix "A")
OCR No. 6	Viking Freight System, Inc. Tariff 103-A CA P.U.C. 10, Item 215
OCR No. 7	Con-Way Western Express, Inc. Tariff 205, CA P.U.C. 16, (See attached Appendix "A")

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-162,028-2 )	Order Canceling Rate
C & P Drayage )	
390 Swift Avenue, Suite Two )	(Filing Numbered Same as
South San Francisco, CA 94080 )	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-162,028-2 is ordered canceled and will not go into effect May 23, 1992.

C & P Drayage filed special contract number T-162,028-2 with Fisher Scientific in violation of Public Utilities Code 3517, 3775 and General Order 147-C. The carrier's permit to operate as a contract carrier was revoked on April 10, 1992. Until another permit is issued, the carrier is prohibited from engaging in contract carriage. General Order 147-C specifies that special contracts can be filed only by highway carriers who hold contract carrier authority as defined in Code Section 3517.

The filing was listed on the Commission's Daily Transportation Calendar on April 14, 1992 and was suspended for 30 days effective April 22, 1992.

This order issued MAY - 8 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1046 of which this order is a part.

  
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Executive Director of the  
Public Utilities Commission

Order No. OCR 2

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

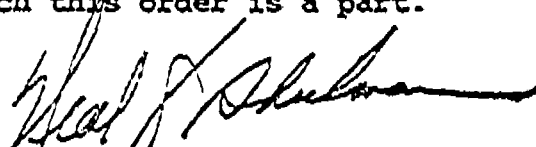
Special Contract T-121,927-264	)	Order Canceling Rate
Mountain Valley Express	)	
1299 Vanderbilt Circle	)	(Filing Numbered Same as
Manteca, CA 95336	)	Order Number Above)
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In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-121,927-264 is ordered canceled and will not go into effect May 15, 1992.

A special contract must cite a specific termination date. Mountain Valley Express filed Special Contract number T-121,927-264 with Cable & Connector Warehouse, Inc., which did not cite a specific termination date, as required by Rule 6.3 of General Order 147-C.

The filing was listed on the Commission's Daily Transportation Calendar on April 7, 1992 and was suspended for 30 days effective April 15, 1992.

This order is issued MAY - 8 1992, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1046 of which this order is a part.



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Executive Director of the  
Public Utilities Commission

Order No. OCR 3

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-166,774-5 )	Order Canceling Rate
Rush Trucking, Inc. )	
13128 Telegraph Rd., Suite H )	(Filing Numbered Same as
Santa Fe Springs, CA 90670 )	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-166,774-5 is ordered canceled and will not go into effect May 21, 1992.

A subsequent special contract must contain a consecutive suffix number. Rush Trucking, Inc. filed Special Contract number T-166,774-5 with Penn Lithographics, which did not contain a consecutive suffix number, as required by Rule 6.8 of General Order 147-C.

The filing was listed on the Commission's Daily Transportation Calendar on April 7, 1992 and was suspended for 30 days effective April 21, 1992.

This order is issued MAY -8 1992, by the Public Utilities Commission of the State of California by the adoption of Resolution No. OCR-1046 of which this order is a part.

  
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Executive Director of the  
Public Utilities Commission

ORDER NO. OCR 4

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-172,716-1215 )	Order Canceling Rate
Merchants of California )	
2350 East Dominguez )	(Filing Number Same
Carson, CA 90810 )	Order Number above

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In conformity with the findings and order made by the Commission in a resolution entered his day, the special contract number T-172,716-1215 with Michelin Tire Corporation is ordered canceled and will not go into effect May 28, 1992.

Merchants Special Contract T-172,716-1215 with Michelin Tire Corporation did not include evidence of substantial shipper obligation nor did it provide for the shipper to earn a minimum of \$1,000 per month for delivered transportation services, as required by General Order 147-C, Rule 6.14. In addition, the "Rate Appendix" for rates was not attached.

Special Contract T-172,716-1215 with Michelin Tire Corporation was listed on the Commission's Daily Transportation Calendar on April 17, 1992 and suspended on April 27, 1992.

This order issued MAY - 8 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution OCR-1046 of which this order is a part.

  
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Executive Director of the  
Public Utilities Commission



ORDER No. OCR 5

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contracts T-84,649	)	Order Canceling Rate
See Appendix A	)	
Viking Freight System, Inc.	)	(Filing Numbered Same as
411 E. Plumeria Dr., Suite 148	)	Order Number above)
San Jose, CA 95134	)	

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In conformity with the findings and order made by the Commission in a resolution entered this day, the special contracts listed in Appendix A are ordered canceled and will not go into effect May 17, 1992.

The contracts involved named a governing publication, VIKN 105 (Direct Points), which is not on file with the Commission in violation of General Order 80-C, Rule 1. The rule requires all governing publications to be on file and authorized for use by the concerned carrier.

The special contracts identified in Appendix A were listed on the Commission's Daily Transportation Calendar on April 13, 1992 and were suspended on April 16, 1992.

This order issued MAY - 8 1992 by the Public Utilities Commission of the State of California by the adoption of the Resolution OCR-1046 of which this order is a part.



Executive Director of the  
Public Utilities Commission

APPENDIX "A"  
To Order No. OCR 5  
Resolution No. OCR 1046

SHIPPER	SUFFIX NUMBER
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Hunt Wesson, Inc.	4173*
CRC Industries	4204
Interbake	4270
Ciba Geigy	4271
Paul Pinkham	4272
Leslie Locke	4274
United Tech/ Chemical Systems Division	4275
Mountain Computer, Inc.	4277
HRP Sales	4278
Epicurean International	4279
Robbins & Myers/ (AKA) Moyno Products	4280
Johnson Associates	4281
Koppes Plants	4282
Malpei	4283
Pony Computer	4284
Alberta's Molds	4285

Order No. OCR 6

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Tariff Filing	)	Order Canceling Rate
CA PUC 10, Item 215	)	
Viking Freight System, Inc.	)	(Filing Numbered Same as
411 E. Plumeria Drive, Suite 148	)	Order Number Above)
San Jose, CA 95134	)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Viking Freight System, Inc., is ordered to cancel Item 215, 1st revised page 16 of tariff 103-A, CA PUC 10.

The tariff filing does not cite the Commission authority under which it was filed as required by Rule 5.1 of General Order 80-C.

The filing was listed on the Commission's Daily Transportation Calendar on April 16, 1992 and was suspended for 30 days effective April 20, 1992.

This order is issued MAY - 8 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1046 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

Common Carrier Tariff Filing )	Order Canceling Rate
CA PUC 16, (see Appendix "A") )	
Con-Way Western Express, Inc. )	(Filing Numbered Same as
12903 Lakeland Avenue )	Order Number Above)
Santa Fe Springs, CA 90670 )	

In conformity with the findings and order made by the Commission in a resolution entered this day, Con-Way Western Express, Inc., is ordered to cancel the tariff filings listed in Appendix "A".

The tariff filings listed in Appendix "A" do not cite the Commission authority under which they were filed as required by Rule 5.1 of General Order 80-C.

The tariff filings identified in Appendix "A" were listed on the Commission's Daily Transportation Calendar on April 16, 1992 and were suspended for 30 days effective April 20, 1992.

This order is issued MAY - 8 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1046 of which this order is a part.

  
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Executive Director of the  
Public Utilities Commission

APPENDIX "A"

To Order No. OCR 7

Resolution No. OCR 1046

CA PUC #	PAGE #	ITEM #
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16	2nd R.P. 93	2415
16	1st R.P. 237	6980 & 6981
16	2nd R.P. 251	7580
16	1st R.P. 255	7740
16	1st R.P. 256	7825 & 7830
16	Orig. Page. 257	7835, 7840, 7845, 7850, 7855, 7860, 7865, 7870 & 7880
16	Orig. Page. 258	7885, 7890, 7895, 7900 & 7905

ORDER No. OCR 8

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Contract T-161,367-08	)	Order Canceling Rate
William M. Barnard, dba	)	
Barnard Transportation	)	(Filing Number Same as
1636 West Cornell	)	Order Number above)
Fresno, CA 93705	)	
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In conformity with the findings and order made by the Commission in a resolution entered this day, Common Carrier Contract T-161,367-08 with A. V. Thomas is ordered canceled and will not go into effect May 14, 1992.

The carrier lacks the requisite operating authority (highway common carrier certificate) to file a highway common carrier contract.

Common Carrier Contract T-161,367-08 with A. V. Thomas was listed on the Commission's Daily Transportation Calendar on April 13, 1992 and was suspended for 30 days effective April 17, 1992.

This order issued MAY - 8 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution OCR-1046 of which this order is a part.

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Executive Director of the  
Public Utilities Commission

ORDER No. OCR 9

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract Filings	)	Order Canceling Rate
See Appendix A	)	
Viking Freight System, Inc.	)	(Filing Number Same as
411 E. Plumeria Drive, Suite 148	)	Order Number above)
San Jose, CA 95134	)	

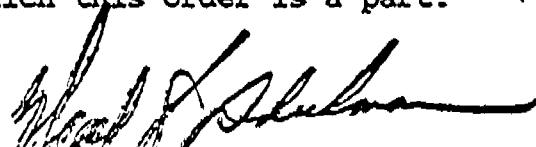
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In conformity with the findings and order made by the Commission in a resolution entered this day, the special contracts listed in Appendix A are ordered canceled and will not go into effect on May 25, 1992.

These Special Contracts do not comply with Rule 1 of General Order 80-C and Rule 6.6(f) of General Order 147-C requiring publications which govern the application of a tariff or contract to be on file with the Commission. Each contract stipulates that its rates, terms and conditions are governed by "VIKN 105 (Direct Points)". "VIKN 105" is not on file with the Commission.

These filings were listed on the Commission Transportation Calendar on April 9, 1992 and suspended April 24, 1992.

This order issued MAY - 8 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution OCR-1046 of which this order is a part.

  
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Executive Director of the  
Public Utilities Commission

APPENDIX \*A\*  
To OCR No. 9  
Resolution No. OCR-1046

SUFFIX NUMBER	SHIPPER	SUSPENSION DATE
4244	Process Equipment	04/24/92
4245	ARB Construction	04/24/92
4246	Growers Resource	04/24/92
4247	Unisource Corp.	04/24/92
4248	Plaza Art Pictures	04/24/92
4249	Seidelhuber Metal Products	04/24/92
4250	Air-O-Fan Products	04/24/92
4251	Rocker Arm Rebuilders	04/24/92
4252	All Valley Woodstove	04/24/92
4253	American Olean	04/24/92
4254	Coloramics Tile, Inc.	04/24/92
4255	Cotton Buds Co.	04/24/92
4256	Archetectural Area Lighting	04/24/92
4257	Clark Security	04/24/92
4258	Dispensing Technology	04/24/92
4259	Laminated Fabricators	04/24/92
4260	Hale Trucking	04/24/92
4261	Arcturus Marine System	04/24/92
4262	Improved Filing Products	04/24/92
4263	Ukiah Machine & Welding	04/24/92
4264	Stewart Company	04/24/92
4265	Ford New Holland	04/24/92
4266	W.M. Barr	04/24/92
4267	Aratex Services, Inc.	04/24/92
4268	ITW Devcon	04/24/92
4269	Syntax Computer	04/24/92