

MEMORANDUM

Date : August 6, 1992
To : The Commission
(Meeting of August 11, 1992)
From : *Jim Diani*
Jim Diani, Principal
Tariff and License Branch

File No.:

Subject : CA-2

RESOLUTION NO. OCR-1052 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 T. R. Dobell Transportation
Carrier lacked the requisite operating authority (Highway Common
Carrier Certificate) to file Common Carrier Contract T-158,356-1.

OCR 2 G. I. Trucking Co., Inc.
Carrier failed to show evidence of substantial shipper obligations
in Contract T-12,983-796 as required for a Special Contract.

OCR 3 Simon Trucking, Inc.
Tariff filing contains shipper specific provisions which are
prohibited by Commission Decision 90-02-021.

OCR 4 Di Salvo Trucking
Tariff filing contains released valuation items and annotations
which are contrary to California Civil Code Section 2174 and
Commission Decisions 90-05-055 and 90-02-021.

OCR 5 Wollin Transport, Inc.
Carrier failed to show evidence of substantial shipper obligations
in Contract T-165,113-3 as required for a Special Contract.

OCR 6 Crescent Truck Lines, Inc.
Carrier failed to show evidence of substantial shipper obligations
in Contract T-154,407-2267.

OCR 7 Motor Cargo
Tariff filing does not cite the authority for its publication as
required by Rule 5.1 of General Order 147-C.

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1052
Transportation Division
August 11, 1992

R E S O L U T I O N

RESOLUTION NO. OCR-1052 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 contracts, common carrier tariffs, 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	T. R. Dobell Transportation T-158,356-1 Common Carrier Contract
OCR No. 2	G. I. Trucking Co., Inc. T-12,983 Special Contract T-12,983-796
OCR No. 3	Simon Trucking, Inc. T-121,380 Tariff 30-4 SITI, CA PUC 190, Items 5050 and 5300
OCR No. 4	Di Salvo Trucking T-61,078 Tariff WMT 570-A, CA PUC 85, Items 320-7 and 320-9
OCR No. 5	Wollin Transport T-165,113 Special Contract T-165,113-3
OCR No. 6	Crescent Truck Lines, Inc. T-154,407 Special Contract T-154,407-2267
OCR No. 7	Motor Cargo T-145,940 CA PUC No. 1, Items 2055 and 2101

Resolution No. OCR 1052
August 11, 1992

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.

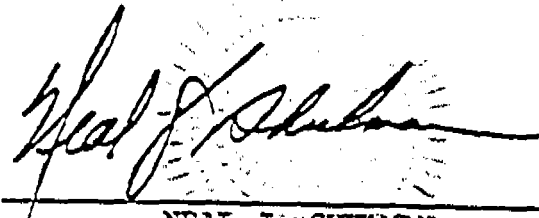
Conclusion of Law

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 August 11, 1992. The following Commissioners approved it:



NEAL J. SHULMAN
Executive Director

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

Commissioner John B. Ohanian,
being necessarily absent, did
not participate.

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Contract T-158,356-1)	Order Canceling Rate
T. R. Dobell Transportation)	
246 Magnolia)	(Filing Numbered Same as
Stockton, CA 95203)	Order Number Above)

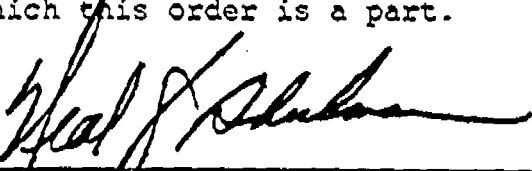
In conformity with the findings and order made by the Commission in a resolution entered this day, Common Carrier Contract T-158,356-01 is ordered canceled and will not go into effect August 16, 1992.

Common carrier contracts may only be filed by highway carriers who hold both a highway common carrier certificate and highway contract permit. T. R. Dobell holds only a permit to operate as a highway contract carrier.

Common Carrier Contract T-158,356-1 with Pittsburg Des Moines Steel was listed on the Commission's Daily Transportation Calendar on July 13, 1992 and suspended on July 16, 1992.

AUG 11 1992

This order is issued _____, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1052 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-12,983-796)	Order Canceling Rate
G. I. Trucking Co., Inc.)	
14727 Alondra Blvd.)	(Filing Numbered Same as
La Mirada, CA 90638)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-12,983-796 with Woodland Products is ordered canceled and will not go into effect August 16, 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 July 13, 1992 and was suspended on July 16, 1992 for 30 days.

This order is issued AUG 11 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1052 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

Common Carrier Tariff Filing)
Tariff 30-4 SITI, CA PUC 190)
Items 5050 and 5300)
Simon Trucking)
12252 Woodruff Avenue)
Downey CA 90241)

Order Canceling Rate

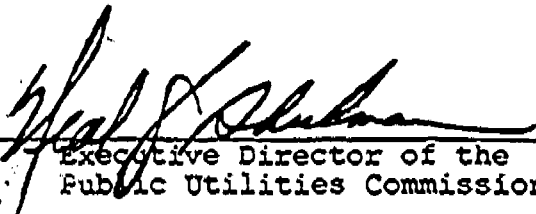
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by this Commission, in a resolution entered this day, Simon Trucking is ordered to cancel Items 5050 and 5300, (Original Page 46, 51 and 52 of CA PUC 190, Tariff 30-4 SITI) by August 14, 1992.

Items 5050 and 5300 represent shipper specific or "write-in" type rates. The Commission decreed in Decision 90-02-021 that this type of provision is unduly discriminatory and contrary to PUC Code Sections 453 and the General Order 80 Series. The annotations contained in these items are not related to any characteristic or condition of the transportation itself.

This filing was listed on the Commission's Daily Transportation Calendar on July 7, 1992, and was suspended for 30 days effective July 14, 1992.

This order is issued AUG. 11 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1052 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

Common Carrier Tariff Filing)
Tariff WMT 570-A, CA PUC 85)
Items 320-7 and 320-9)
Di Salvo Trucking Company)
660 Mariposa Street)
San Francisco, CA 94107)

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

In conformity with the findings and order made by this Commission, in a resolution entered this day, Di Salvo Trucking Company is ordered to cancel Items 320-7 and 320-9 (9th Revised Page 19, and 3rd Revised Page 21 of CA PUC 54, Tariff WMT 570-A) by August 28, 1992.

Items 320-7 and 320-9 detail discount plans that are dependent upon released valuation and bill of lading annotations. California Civil Code Section 2174 and Commission Decision 90-05-055 set forth the provisions of released valuation, with which the tariff filing does not comply. The Commission decreed in Decision 90-02-021 that bill of lading annotations are unduly discriminatory and contrary to PUC Code Sections 453 and the General Order 80 Series. The annotations contained in these items are not related to any characteristic or condition of the transportation itself and would not sufficiently apprise the reader/shipper of the limitations of liability.

This filing was listed on the Commission's Daily Transportation Calendar on July 22, 1992, and was suspended for 30 days effective July 28, 1992.

AUG 11 1992

This order is issued AUG 11 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1052 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-165,113-3)
Wollin Transport, Inc.)
P. O. Box 247)
Castaic, CA 91310)

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, Contract T-165,113-3 is ordered canceled and will not go into effect August 20, 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 per Rule 3.17 of General Order 147-C. In addition, the contract may not be automatically renewed for more than one year without an amendment being filed with the CPUC per Rule 6.3 of General Order 147-C.

Wollin Transport, Inc., filed Special Contract Number T-165,113-3 with Foodmaker, which appeared on the Commissions Daily Transportation Calendar July 17, 1992. The contract was suspended on July 21, 1992.

AUG 11 1992

This order is issued _____, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1052 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

Special Contract T-154,407-2267)	Order Canceling Rate
Crescent Truck Lines, Inc.)	
2480 Whipple Road)	(Filing Numbered Same as
Hayward, CA 94544)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,407-2267 with Bel Air Displays is ordered canceled and will not go into effect August 23, 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.

Special Contract T-154,407-2267 with Bel Air Displays was listed on the Commission's Daily Transportation Calendar on July 6, 1992 and was suspended on July 23, 1992.

AUG 11 1992

This order is issued _____, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1052 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

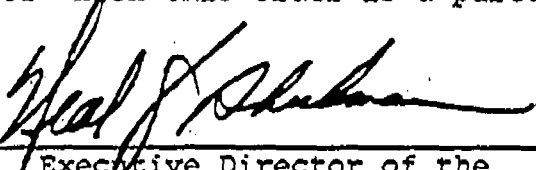
Common Carrier Tariff Filing)	
CA PUC 1, Items 2055 and 2101)	Order Canceling Rate
Motor Cargo)	
P. O. Box 2351)	(Filing Numbered Same as
Salt Lake City, UT 84110)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Motor Cargo is ordered to cancel Items 2055 and 2101 of CA PUC 1, by September 3, 1992.

The above tariff filing does not cite the authority for its publication, as required by Rule 5.1 of General Order 80-C.

The filing was listed on the Commission's Daily Transportation Calendar on July 31, 1992 and was suspended for 30 days effective August 3, 1992.

This order is issued AUG 11 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1052 of which this order is a part.


Executive Director of the
Public Utilities Commission