

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1057  
Transportation Division  
November 6, 1992

R E S O L U T I O N

RESOLUTION NO. OCR-1057 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	Panther Lines, Inc. T-134,316 Special Contract T-134,316-179
OCR No. 2	Anderson & Sons Trucking Co., Inc. T-161,791 Special Contract T-161,791-42
OCR No. 3	Morada Distribution Inc. T-151,953 Special Contract T-151,953-10
OCR No. 4	Steven's Delivery Service T-155,519 Special Contract T-155,519-2
OCR No. 5	Steven's Delivery Service T-155,519 Special Contract T-155,519-3
OCR No. 6	DeVincenzi Trucking, Inc. T-156,385 Special Contract T-156,385-6 Amendment
OCR No. 7	Borden Trucking, Inc. T-97,846 Special Contract T-97,846-1
OCR No. 8	Tony Cavanis Trucking T-152,445 Special Contract T-152,445-1

Resolution No. OCR-1057  
November 6, 1992

OCR No. 9	Industrial Freight System, Inc. Tariff 204, CA PUC 4, Item 2734-1 Original Page 351-A
OCR No. 10	Merchants Delivery System T-95,223 Special Contract T-95,223-637 Amendment 3
OCR No. 11	Pete Kooyman Trucking, Inc. T-136,734 Special Contracts T-136,734-52
OCR No. 12	Big Time Trucking CA PUC 1, LFT 1, Items 300 and 400
OCR No. 13	Highway Carriers Tariff Bureau Tariff CA PUC 1, LFT 1 55th Revised Page 4B
OCR No. 14	Dallas Hilligoss Trucking T-75,209 Special Contract T-75,209-107
OCR No. 15	Golden State Specialized Transportation, Inc. T-174,663 Special Contract T-174,663-3 Amendment
OCR No. 16	CMS Service T-144,739 Special Contract T-144,739-36
OCR No. 17	M & M Delivery Services T-174,395 Special Contract T-174,395-1

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.

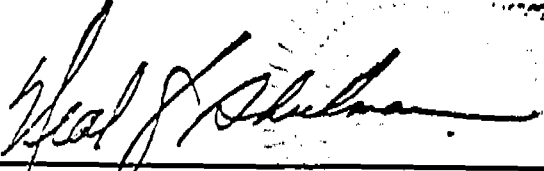
Conclusion of Law

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 November 6, 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

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-134,316-179 )	Order Canceling Rate
Panther Line, Inc. )	
7750 Deervale Ct. )	(Filing Numbered Same as
Dublin, CA 94568 )	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-134,316-179 with Orchid Paper Products Co. is ordered canceled and will not go into effect November 21, 1992.

General Order 147-C, Rule 6.8 specifies that each carrier shall issue contracts with a suffix number beginning with the number 1 and that subsequent contracts shall bear consecutive suffix numbers.

This contract was listed on the Commission's Daily Transportation Calendar on October 16, 1992 and was suspended on October 21, 1992, for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 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

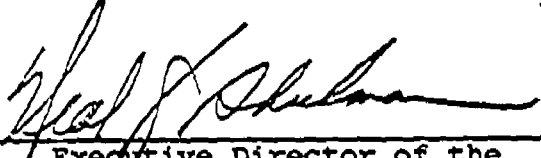
Special Contract T-161,791-42 )	Order Canceling Rate
Anderson & Sons Trucking Co., Inc. )	(Filing Numbered Same as
575 E. Plumb Lane )	Order Number Above)
Reno, NV 89502 )	

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In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-161,791-42 with Robert Yick Co. is ordered canceled and will not go into effect November 13, 1992.

Special contracts must bear the signatures of both the carrier and shipper. This contract does not contain the signature of the carrier. This contract was listed on the Commission's Daily Transportation Calendar on October 9, 1992, and was suspended on October 13, 1992, for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1057 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-151,953-10 )  
Amendment 3 )  
Morada Distribution, Inc. )  
P. O. Box 5305 )  
Stockton, CA 95205 )

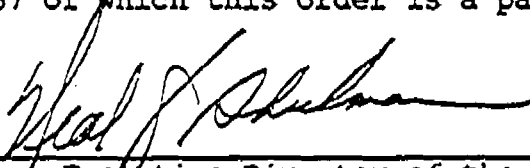
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Order Canceling Rate  
(Filing Numbered Same as  
Order Number above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Amendment 3 to Special Contract T-151,953-10 with Total Marketing Co. is ordered canceled and will not go into effect November 26, 1992.

An expired contract is considered canceled on the expiration date unless an amendment has been filed extending the agreement in accordance with General Order 147-C, Rule 6.12. The original contract expired January 15, 1992. This filing was listed on the Commission's Daily Transportation Calendar on October 8, 1992, and was suspended on October 26, 1992 for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 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-155,519-2 )	Order Canceling Rate
Steven's Delivery Service )	
3263 Alford Street )	(Filing Numbered Same as
Lemon Grove, CA 91945 )	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-155,519-2 with Cal Ply is ordered canceled and will not go into effect November 15, 1992.

Special Contracts must include evidence of substantial shipper obligations in the contract. To meet this requirement, the contract must either provide for the carrier to earn \$1,000.00 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. This contract was listed on the Commission's Daily Transportation Calendar on October 13, 1992, and was suspended on October 15, 1992, for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 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-155,519-3 )  
Steven's Delivery Service )  
3263 Alford Street )  
Lemon Grove, CA 91945 )

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-155,519-3 with Wesco is ordered canceled and will not go into effect November 15, 1992.

Special contracts must include evidence of substantial shipper obligations in the contract. To meet this requirement, the contract must either provide for the carrier to earn \$1,000.00 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. The contract was listed on the Commission's Daily Transportation Calendar on October 13, 1992, and was suspended on October 15, 1992, for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1057 of which this order is a part.

  
Executive Director of the  
Public Utilities Commission



Order No. OCR 6

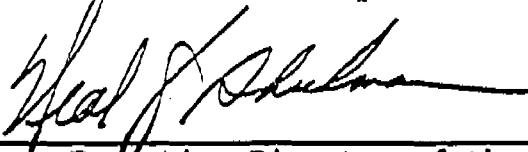
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-156,385-6 )	Order Canceling Rate
Amendment )	
DeVincenzi Trucking, Inc. )	(Filing Numbered Same as
1598 Carroll Avenue )	Order Number Above)
San Francisco, CA 94124 )	
_____ )	

In conformity with the findings and order made by this Commission, in a resolution entered this day, Amendment to Special Contract T-156,385-6, with Carl Landman Company, is ordered canceled and will not go into effect on November 9, 1992.

Rule 6.10 of General Order 147-C states that a special contract amendment must contain those requirements to clearly and effectively identify and amend the original contract, including the effective date of the amendment. This contract amendment failed to contain the address of the shipper or carrier and also failed to specify the date executed or the effective date. Additionally, the transmittal referred to the original contract as number 3, while the amendment showed the original contract as number 6. Contract number 3 had been previously issued naming another shipper. The amendment was listed on the Commission's Daily Transportation Calendar on October 7, 1992, and was suspended on October 9, 1992, for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1057 of which this order is a part.

  
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Executive Director of the  
Public Utilities Commission

Order No. OCR 7

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-97,846-1 )	Order Canceling Rate
Borden Trucking, Inc. )	
Space Center Bldg., 911-D )	(Filing Numbered Same as
Mira Loma, CA 91752 )	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-97,846-1 with Trak Auto is ordered canceled and will not go into effect November 30, 1992.

Special Contracts must include evidence of substantial shipper obligations in the contract. To meet this requirement, the contract must either provide for the carrier to earn \$1,000.00 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. This contract was listed on the Commission's Daily Transportation Calendar on October 27, 1992, and was suspended on October 30, 1992, for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 of which this order is a part.

  
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Executive Director of the  
Public Utilities Commission

Order No. OCR 8

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-152,445-1 )  
Tony Cavanas Trucking )  
1850 Clearview Dr. )  
Hollister, CA 95023 )

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-152,445-1 with Leatherback Industries is ordered canceled and will not go into effect November 26, 1992.

Special contracts must include evidence of substantial shipper obligations in the contract. To meet this requirement, the contract must either provide for the carrier to earn \$1,000.00 per month for delivered transportation services, or the contract must call for substantial shipper obligations not normally provided under common carrier tariff rates by the 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. The contract was listed on the Commission's Daily Transportation Calendar on October 20, 1992, and was suspended on October 26, 1992, for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 of which this order is a part.



Executive Director of the  
Public Utilities Commission

Order No. OCR 9

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

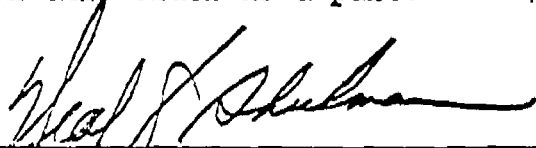
Common Carrier Tariff Filing	)	
Tariff 204, CA PUC 4, Item	)	Order Canceling Rate
2734-1, Original Page 351-A	)	
Industrial Freight System, Inc.	)	(Filing Numbered Same as
9120 San Fernando Rd.	)	Order Number Above)
Sun Valley, CA 91352	)	

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In conformity with the findings and order made by the Commission in a resolution entered this day, Industrial Freight System, Inc. is ordered to cancel Tariff 204, CA PUC 4, Item 2734-1 (Original Page 351-A) no later than November 20, 1992.

The 10 day public notice period required by Rule 8.1 of General Order 147-C was not observed by the common carrier. The tariff item was written with an effective date of October 22, 1992. The filing was listed on the Commission's Daily Transportation Calendar on October 15, 1992, and was suspended October 20, 1992, for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1057 of which this order is a part.

  
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Executive Director of the  
Public Utilities Commission

Order No. OCR 10


BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-95,223-637 )	Order Canceling Rate
Merchants Delivery Systems )	
1406 South Cucamonga Avenue )	(Filing Numbered Same as
Ontario, CA 91761 )	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-95,223-637 with E. T. Products was ordered canceled and will not go into effect on November 21, 1992.

General Order 147-C, Rule 6.6(a) requires that every contract contain the signature of the carrier. Special Contract T-95,223-637 has not been signed by a representative of Merchants Delivery Systems. General Order 147-C, Rule 11.4 requires that a contract contain a description of the method by which distance shall be computed (if distance is part of the calculation of the transportation charge). Special Contract T-95,223-637 contains no methodology for calculating how mileages are determined. This filing was listed on the Commission's Daily Transportation Calendar on October 14, 1992 and was suspended on October 21, 1992 for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 of which this order is a part.

  
\_\_\_\_\_  
Executive Director of the  
Public Utilities Commission

Order No. OCR 11

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Pete Kooyman Trucking, Inc. )  
Special Contract T-136,734-52 )  
P. O. Box 1330 )  
Stockton, CA 95201 )

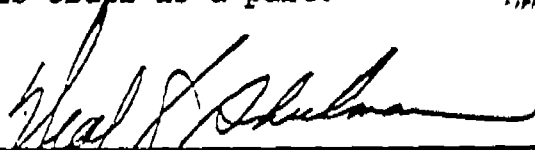
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Order Canceling Rate  
(Filing Numbered Same As  
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-136,734-52 with Sacramento Steel and Supply is ordered canceled and will not go into effect November 21, 1992.

General Order 147-C, Rule 6.7 states that contracts shall be clear and legible. This contract was not clear and legible. This filing was listed on the Commission's Daily Transportation Calendar on October 14, 1992 and was suspended on October 21, 1992, for thirty days.

This order is issued NOV 06 1992 by the Public Utilities Commission of the State of California by the adoption of Resolution No. 1057 of which this order is a part.

  
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Executive Director of the  
Public Utilities Commission

Order No. OCR 12

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Tariff Filing	)	
CA PUC 1, Local Freight Tariff 1	)	Order Canceling Rate
Items 300 and 400	)	
Big Time Trucking	)	(Filing Numbered Same as
4231 W 164th Street	)	Order Numbered Above)
Lawndale, CA 90260	)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Big Time Trucking is ordered to cancel Items 300 and 400 of Local Freight Tariff 1 (CAL PUC 1) before November 16, 1992.

General Order 147-C, Rule 5.3 specifies that common carrier tariffs shall not be designed to be shipper specific. Item 300 of CA PUC 1, LFT 1 requires that the shipper write to the carrier requesting participation in the item prior to transportation services being performed. Item 400 of CA PUC 1, LFT 1 requires that the consignor write on the bill of lading "Rates in Item 400, Big Time LFT 1 Requested." Item 400 limits Big Time Trucking's liability in connection with shipments transported at rates in that item to \$1.50 per pound, per article. Common Carriers are prohibited from limiting their liability as outlined in Commission Decision 90-05-055. This filing was listed on the Commission's Daily Transportation Calendar on October 14, 1992 and was suspended on October 16, 1992 for 30 days.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 of which this order is a part.

  
Executive Director of the  
Public Utilities Commission

Order No. OCR 13 .

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Common Carrier Tariff Filing )	Order Canceling Rate
CA PUC 1, LFT 1 )	
55th Revised Page 4-B )	(Filing Numbered Same as
Highway Carriers Tariff Bureau )	Order Number Above)
4335 E. Airport Drive, #106 )	
Ontario, CA 91761 )	

In conformity with the findings and order made by the Commission in a resolution entered this day, Highway Carriers Tariff Bureau is ordered to cancel the 55th Revised Page 4-B of Local Freight Tariff 1 by November 15, 1992.

Highway Carriers Tariff Bureau cannot name as a participating carrier in HCTB CA PUC 1 LFT 1, California Freight Systems, T-95,910 because the carrier does not hold the requisite common carrier certificate of public convenience and necessity. This filing was listed on the Commission's Daily Transportation Calendar on October 7, 1992 and was suspended for 30 days effective October 15, 1992.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 of which this order is a part.



Executive Director of the  
Public Utilities Commission



Order No. OCR 14 .

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

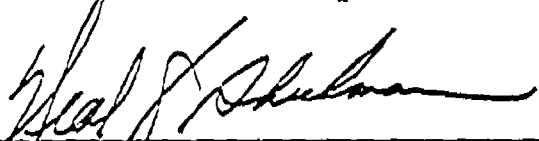
Special Contract T-75,209-107 )	Order Canceling Rate
Dallas Hilligoss Trucking )	
P. O. Box 2693 )	(Filing Numbered Same as
McKinleyville, CA 95521 )	Order Number Above)

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In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-75,209-107 with Rasmussen Wood Products is ordered canceled and will not go into effect November 16, 1992.

The special contract fails to provide for substantial shipper obligations as required by Rules 6.14 and 3.17 of General Order 147-C. The special contract also provides for an effective date that is out of compliance with Rule 8.2 of General Order 147-C, which specifies that a contract may be effective "no sooner than 20 days after listing on the Commission's Daily Transportation Calendar." The contract was written with an effective date of September 27, 1992. This filing was listed on the Commission's Daily Transportation Calendar on October 7, 1992 and was suspended for 30 days effective October 16, 1992.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 of which this order is a part.



Executive Director of the  
Public Utilities Commission

Order No. OCR 15 .


BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-174,663-3, )	
Amendment No. 2 )	Order Canceling Rate
Golden State Specialized )	(Filing Numbered Same as
Transportation, Inc. )	Order Number Above)
P. O. Box 1267 )	
Lakewood, CA 90714-1267 )	
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In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-174,663-3, Amendment No. 2 with Exide Battery, Inc., is ordered canceled and will not go into effect November 16, 1992.

The special contract filing is out of compliance with Rules 4.2(a), 6.10(a) and (b) of General Order 147-C. It does not correctly identify the original contract that is to be amended, the rate filing transmittal form does not have the correct T-number for Golden Gate Specialized Transportation, Inc., and it is an attempt at amending a contract that does not exist in Commission Records. The filing was listed on the Commission's Daily Transportation Calendar on October 7, 1992 and was suspended for 30 days effective October 16, 1992.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 of which this order is a part.

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Executive Director of the  
Public Utilities Commission

Order No. OCR 16

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-144,739-36 )  
CMS Services )  
2216 C Cement Hill Road )  
Fairfield, CA 94533 )

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-144,739-36 with Wright Brothers is ordered canceled and will not go into effect November 16, 1992.

Special Contract T-144,739-36 provides for an effective date that is out of compliance with Rule 8.2 of General Order 147-C, which specifies that a contract may be effective "not earlier than 20 days after listing on the Commission's Daily Transportation Calendar." The contract was written to become effective the date filed with the Commission. This filing was listed on the Commission's Daily Transportation Calendar on October 7, 1992 and was suspended for 30 days effective October 16, 1992.

This order is issued NOV 06 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 of which this order is a part.



Executive Director of the  
Public Utilities Commission

Order No. OCR 17

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-174,395-1 )  
M & M Delivery Services )  
18640 Boulder Avenue )  
Riverside, CA 92508 )

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

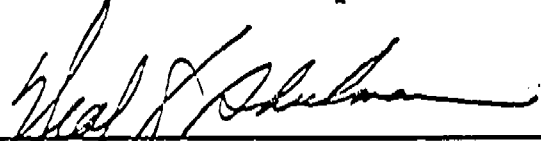
In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-174,395-1 is ordered canceled and will not go into effect November 16, 1992.

Special contracts must include evidence of substantial shipper obligations in the contract. To meet this requirement, the contract must either provide for the carrier to earn \$1,000.00 per month for delivered transportation services, or the contract must call for substantial shipper obligations not normally provided under common carrier tariff rates by the 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. The contract was listed on the Commission's Daily Transportation Calendar on October 7, 1992, and was suspended for 30 days effective October 16, 1992.

NOV 06 1992

This order is issued \_\_\_\_\_, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1057 of which this order is a part.

  
\_\_\_\_\_  
Executive Director of the  
Public Utilities Commission