

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1059
Transportation Division
December 3, 1992

R E S O L U T I O N

RESOLUTION NO. OCR-1059 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 rates filings to be canceled.

Rate Canceling
Order

Rate Filing By:

OCR No. 1	Hoofard Leasing T-152,471 Special Contract T-152,471-1
OCR No. 2	Electric Transport T-148,362 Special Contract T-148,362-3
OCR No. 3	Super Cal Express T-158,690 Special Contract T-158,690-99
OCR No. 4	Magna Freight T-172,718 Special Contract T-172-718-18
OCR No. 5	National Freight T-173,084 Special Contract T-173,084-12
OCR No. 6	Saunders Transport T-127,255 Special Contract T-127,255-22 Supplement No. 1

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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 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.

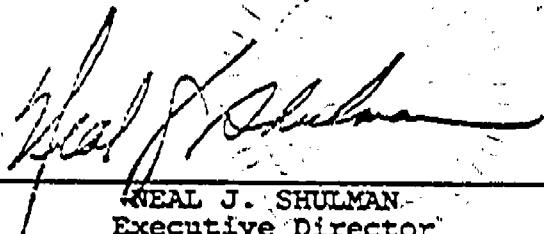
Conclusion of Law

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 December 3, 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

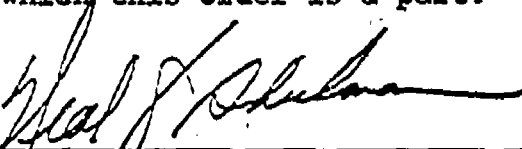
Special Contract T-152,417-1)	Order Canceling Rate
Hoofard Leasing)	
23854 Shake Ridge Road)	(Filing Numbered Same as
Volcano, CA 95689)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-152,417-1, with General Electric Co. is ordered canceled and will not go into effect December 19, 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 \$1000.00 per month for delivered transportation services, or the contract must call for substantial shipper obligations not normally provided under common carrier tariff rates by a carrier. The carrier failed to provide evidence of substantial shipper obligations as required by Rule 3.17 of General Order 147-C.

The Special contract also fails to contain an effective date, and to provide a description of all services to be provided, and to state the rates in their entirety as required by Rules 6.1, 6.6(e) and (f) of General Order 147-C. This contract was listed on the Commission's Daily Transportation Calendar on November 10, 1992, and was suspended on November 19, 1992 for 30 days.

This order is issued DEC 3 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1059 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

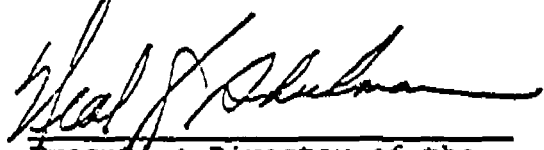
Special Contract T-148,362-3)
Electric Transport, Inc.)
Route 10, Green Hills)
Reading PA 19603)

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, Special Contract T-148,362-3, with The Good Guys, Inc., is ordered canceled and will not go into effect on December 5, 1992.

Rule 8.2 of General Order 147-C states that special contract rate filings must cite an effective date not earlier than 20 days after listing on the Commission's Daily Transportation Calendar. Electric Transport, Inc.'s special contract was written to be effective "on the Commencement Date", but nowhere in the contract was this reference defined. Additionally, the carrier's highway contract carrier permit was suspended on August 19, 1992, for failure to file an annual Workman's Compensation Insurance Report and subsequently revoked on November 30, 1992. Section 3775 of the California Public Utilities Code makes it unlawful for a highway permit carrier to conduct any operations as such during the period of its suspension. The contract was listed on the Commission's Daily Transportation Calendar on November 2, 1992, and was suspended on November 5, 1992, for 30 days.

This order is issued DEC 3 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1059 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 3

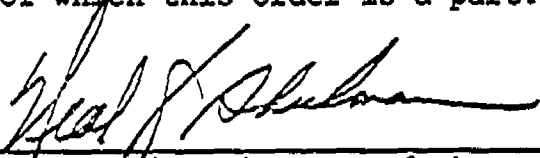
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-158,690-99)	Order Canceling Rate
Super Cal Express)	
P. O. Box 5000)	(File Numbered Same as
Irwindale, CA 91706)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-158,690-99 with Specialized Bicycle is ordered canceled and will not go into effect on December 17, 1992.

General Order 147-C, Rule 6.8, specifies that each carrier shall file contracts under the "T" file number assigned to it by the Commission with a suffix number beginning with the number 1. Subsequent contracts shall bear consecutive suffix numbers. Super Cal Express previously filed contract number 99 on September 18, 1992 with Warehouse Wares. This filing was listed on the Commission's Daily Transportation Calendar on November 12, 1992 and was suspended on November 17, 1992 for 30 days.

This order is issued DEC 3 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1059 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-172,718-18)	Order Canceling Rate
Magna Freight Incorporated)	(Filing Numbered Same as
707 Dead Cat Alley #203)	Order Number Above)
Woodland, CA 95695)	

In conformity with the findings and order made by this Commission, in a resolution entered this day, Special Contract T-172,718-18, with Roto Industries, is ordered canceled and will not go into effect on December 3, 1992.

Rule 6.6 of General Order 147-C requires that every contract contain the address of the carrier and the shipper, a description of the commodities involved and the projected tonnage, or other appropriate unit of measurement, to be transported. Magna Freight Incorporated's special contract failed to list the carrier's or shipper's address, did not specify the commodity and did not fully define the listed charges or unit of measurement involved. Rule 6.3 of General Order 147-C states that contracts shall not be made effective for more than one year. However, Magna Freight Incorporated indicated in their contract that it shall be renewed for two more years by supplement. The contract was listed on the Commission's Daily Transportation Calendar on October 29, 1992, and was suspended on November 3, 1992, for 30 days.

This order is issued DEC 3 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1059 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

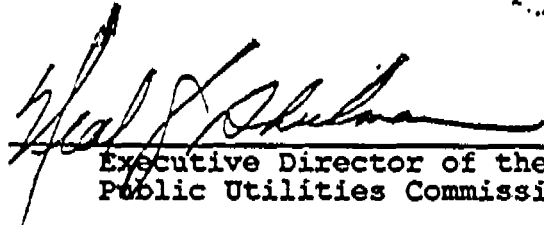
Special Contract T-173,084-12)
Amendment No. 1)
National Freight)
71 West Park Avenue)
Vineland, NJ 08630)

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, 1st Amendment to Special Contract T-173,084-12, with Heinz USA Company, is ordered canceled and will not go into effect on December 3, 1992.

Rule 8.2 of General Order 147-C states that special contract rate filings must cite an effective date not earlier than 20 days after listing on the Commission's Daily Transportation Calendar. National Freight wrote their amendment to be effective October 6, 1992, in advance of its calendaring and in violation of the General Order. The amendment was listed on the Commission's Daily Transportation Calendar on October 29, 1992, and was suspended on November 3, 1992, for 30 days.

This order is issued DEC 3 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1059 of which this order is a part.


Executive Director of the
Public Utilities Commission

Order No. OCR 6

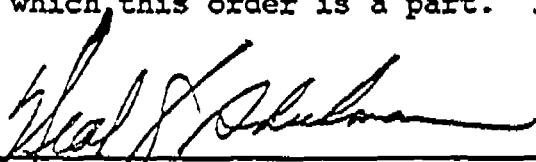
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-127,255-22)	Order Canceling Rate
Supplement No. 1)	
Saunders Transportation)	(Filing Numbered Same as
215 Preston Court)	Order Number Above)
Fremont, CA 94536)	
_____)	

In conformity with the findings and order made by this Commission, in a resolution entered this day, Supplement No. 1 to Special Contract T-127,255-22, with Coca Cola Bottling Company of Los Angeles, is ordered canceled and will not go into effect on December 3, 1992.

Rule 6.10 of General Order 147-C requires that every contract amendment contain certain items to effectively identify and amend the original contract. Saunders Transportation's special contract failed to list the carrier's or shipper's address and did not specify the date executed. Rule 8.2 of General Order 147-C states that special contracts may not be effective earlier than 20 days after listing on the Commission's Daily Transportation Calendar. This supplement was made effective on October 30, 1992, in violation of the General Order. The contract was listed on the Commission's Daily Transportation Calendar on October 29, 1992, and was suspended on November 3, 1992, for 30 days.

This order is issued DEC 3 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1059 of which this order is a part.



Executive Director of the
Public Utilities Commission