

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. OCR-1060
 Transportation Division
 December 16, 1992

RESOLUTION

RESOLUTION NO. OCR-1060 ORDER CANCELING COMMON CARRIER
 TARIFFS, COMMON CARRIER CONTRACTS, AND SPECIAL CONTRACTS
 WHICH HAVE BEEN TEMPORARILY SUSPENDED FOR VIOLATIONS
 OF D.90-02-021.

The filings 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
OrderRate Filing By:

OCR No. 1	Bud's Delivery, Inc. T-67,474 Special Contract T-67,474-1
OCR No. 2	NJB, Inc. T-122,039 Special Contract T-122,039-3 Amendment 9
OCR No. 3	Shane Transport T-110,036 Special Contract T-110,036-71
OCR No. 4	Lico Distributing T-166,292 Special Contract T-166,292-9
OCR No. 5	Public Freight Services T-147,366 Special Contract T-147,366-67
OCR No. 6	Bud's Delivery Service, Inc. T-67,474 Special Contract T-67,474-3
OCR No. 7	TNT Bestway Transportation, Inc. T-139,846 Special Contract T-139,846-3734

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OCR No. 8	MacMillan Trucking, Inc. T-89,870 Special Contract T-89,870-1
OCR No. 9	Dependable Highway Express T-147,723 Special Contract T-147,723-8
OCR No. 10	Mohinder S. Bath T-154,488 Special Contract T-154,488-2
OCR No. 11	TNT Bestway Transportation T-139,846 Special Contract T-139,846-1385

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 December 16, 1992. The following Commissioners approved it:

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


NEAL J. SHULMAN
Executive Director

Order No. OCR 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-67,474-1)
Bud's Delivery, Inc.)
533 W. Central Park Avenue)
Anaheim, CA 92802)

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-67,474-1 with BASF Corporation is ordered canceled and will not go into effect December 24, 1992.

A carrier must have evidence of a C.O.D. surety bond on file with the Commission in order to provide C.O.D. service as required by Rule 2 of General Order 84-H. Carrier also failed to assign a consecutive number to Special Contract T-67,474-1.

This filing was listed on the Commission's Daily Transportation Calendar on November 9, 1992, and was suspended November 23, 1992, for thirty days.

DEC 16 1992

This order is issued _____, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1060 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-122,039-3)
Amendment 9)
NJB, Inc.)
2225 Jerrold Avenue)
San Francisco, CA 94124)

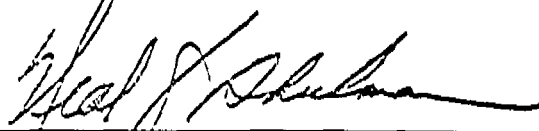
Order Canceling Rate
(Filing Numbered Same as
Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-122,039-3, Amendment 9, is ordered canceled and will not go into effect January 3, 1993.

An amendment to a special contract to extend the duration of a contract must be filed prior to its termination. NJB, Inc., filed Amendment 9 to Special Contract T-122,039-3 with Bracco Distributing Co., which appeared on the Commission's Transportation Calendar November 17, 1992. The amendment to the special contract was not filed prior to the termination of the contract as required by Rule 6.12 of General Order 147-C, and was suspended on December 4, 1992, for 30 days.

This filing was listed on the Commission's Daily Transportation Calendar on November 23, 1992, and was suspended December 4, 1992, for 30 days.

This order is issued DEC 16 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1060 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

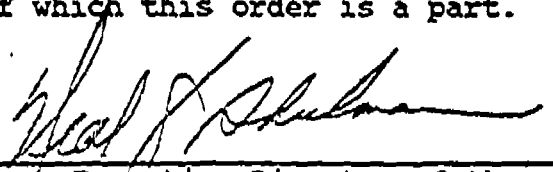
Special Contract T-110,036-71)	
Amendment 3	)	Order Canceling Rate
Shane Transport)	
P. O. Box 2718	)	(Filing Numbered Same as
Fresno, CA 93745	)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Amendment 3 to Special Contract T-110,036-71 with Pentab Industries is ordered canceled and will not go into effect January 3, 1993.

A Special Contract Amendment must contain those requirements set forth in Rule 6 of General Order 147-C necessary to clearly and effectively identify and amend the original contract. Furthermore, as per Rule 4.2(a) of General Order 147-C, a rate filing transmittal for an amendment to a contract must contain the correct shipper's name as it appears on the original contract. Shane Transport filed Amendment 3 naming Pentab Industries as the shipper, which was not the same shipper named in the original contract.

This filing was listed on the Commission's Daily Transportation Calendar on November 23, 1992, and was suspended December 4, 1992.

This order is issued DEC 16 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1060 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

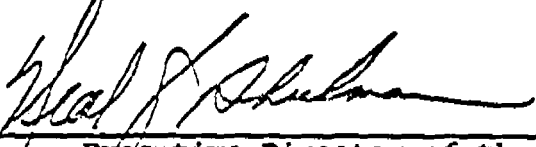
Special Contract T-166,292-9	)	Order Canceling Rate
Lico Distributing)	
P. O. Box 135	)	(Filing Numbered Same as
San Martin, CA 95046	)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-166,292-9 with Jetro Cash and Carry Enterprises, Inc. is ordered canceled and will not go into effect December 25, 1992.

A carrier must have evidence of liability insurance on file with the Commission in order to operate over the highways as required by Public Utilities Code Section 3631. Lico Distributing's operating authority was suspended November 16, 1992 for failure to file evidence of insurance coverage with this Commission.

This filing was listed on the Commission's Daily Transportation Calendar on November 9, 1992, and was suspended November 25, 1992, for 30 days.

This order is issued DEC 16 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1060 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

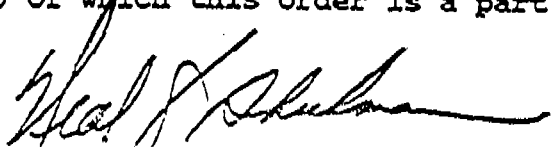
Special Contract T-147,366-67)
Public Freight Services)
14030 183rd Street)
La Palma, CA 90623)

Order Canceling Rate
(File 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-147,366-67 with Orchids Paper Products Company is ordered canceled and will not go into effect on January 1, 1993.

General Order 147-C, Rule 6.6(b) requires that each contract contain the signature of the shipper. The contract referenced here was not signed by the shipper's representative. This filing was listed on the Commission's Daily Transportation Calendar on November 24, 1992, and was suspended on December 1, 1992, for 30 days.

This order is issued DEC 16 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1060 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 6

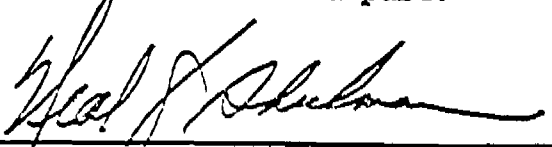
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-67,474-3	)	Order Canceling Rate
Amendment 1)	
Bud's Delivery Service, Inc.	)	(File Numbered Same as
528 W. Central Park Avenue	)	Order Number Above)
Anaheim, CA 92802)	

In conformity with the findings and order made by the Commission in a resolution entered this day, Amendment 1 to Special Contract T-67,474-3 with The Price Company is ordered canceled and will not go into effect on January 1, 1993.

General Order 147-C, Rule 6.3 specifies that a contract shall not be made effective for more than one year. Amendment 1 to Special Contract T-67,474-3 renews the contract for a period of two years. This filing was listed on the Commission's Daily Transportation Calendar on November 24, 1992, and was suspended on December 1, 1992, for 30 days.

This order is issued DEC 16 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1060 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 7

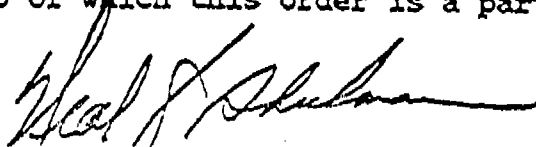
BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Special Contract T-139,846-3734	)	Order Canceling Rate
TNT Bestway Transportation, Inc.)	
2633 E. Indian School Road	)	(File Numbered Same as
Phoenix, AZ 85016	)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-139,846-3734 with Peter James Coffee is ordered canceled and will not go into effect on January 1, 1993.

General Order 147-C, Rule 6.6(a) requires that every contract shall contain the signature of the carrier. Special Contract T-139,846-3734 shows the typed name of carrier's Account Manager, but was not signed by that individual. This filing was listed on the Commission's Daily Transportation Calendar on November 24, 1992, and was suspended on December 1, 1992, for 30 days.

This order is issued DEC 16 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1060 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 8

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

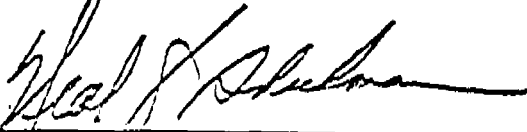
Special Contract T-89,870-1)
Mac Millan Trucking, Inc.)
18537 Sam Hill Road)
Anderson, CA 96007)

Order Canceling Rate
(File 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-89,870-1 with River City Construction, Inc., is ordered canceled and will not go into effect on December 25, 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. Mac Millan Trucking, Inc., previously filed Special Contract T-89,870-1 with Pacific Coast Building Products, Inc. This filing was listed on the Commission's Daily Transportation Calendar on November 12, 1992, and was suspended on November 25, 1992, for 30 days.

This order is issued DEC 16 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1060 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

Special Contract T-147,723-8)	Order Canceling Rate
Dependable Highway Express)	
1801 E. 50th Street)	(File Numbered Same as
Los Angeles, CA 90058)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-147,723-8 with Synergistic Performance Corporation is ordered canceled and will not go into effect on January 3, 1993.

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 also states an effective date as of the date it is accepted for filing by the Commission. General Order 147-C, Rule 8.2, specifies that special contract rates may be effective not earlier than 20 days after listing on the Commission's Daily Transportation Calendar. The contract was listed on the Commission's Daily Transportation Calendar on November 18, 1992, and was suspended on December 3, 1992, for 30 days.

This order is issued DEC 16 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1060 of which this order is a part.



Executive Director of the
Public Utilities Commission

Order No. OCR 10

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

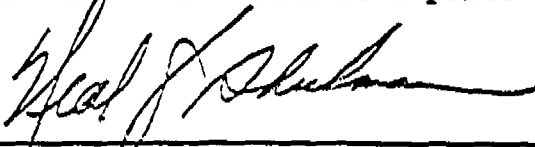
Special Contract T-154,488-2)	Order Canceling Rate
Mohinder S. Bath)	
14423 S. Highland Avenue)	(File Numbered Same as
Selma, CA 93662)	Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Special Contract T-154,488-2 with Reckitt and Colman is ordered canceled and will not go into effect on January 4, 1993.

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 effective date of the contract is ambiguous. General Order 147-C, Rule 8.2, specifies that special contract rates may be effective not earlier than 20 days after listing on the Commission's Daily Transportation Calendar. This contract was listed on the Commission's Daily Transportation Calendar on November 18, 1992, and was suspended on December 4, 1992, for 30 days.

This order is issued DEC 16 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR 1060 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

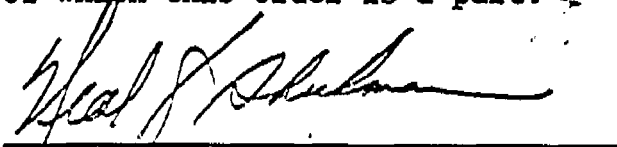
Special Contract T-139,846-1385)	Order Canceling Rate
Amendment 2)	
TNT Bestway Transportation)	
2633 E. Indian School Road)	
Phoenix, AZ 85016)	
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	(Filing Numbered Same as Order Number Above)

In conformity with the findings and order made by the Commission in a resolution entered this day, Amendment 3 to Special Contract T-139,846-1385, with Johnson Safety, is ordered canceled and will not go into effect January 4, 1993.

A Special Contract Amendment must contain those requirements set forth in Rule 6 of General Order 147-C necessary to clearly and effectively identify and amend the original contract. Furthermore, as per Rule 4.2(a) of General Order 147-C, a rate filing transmittal for an amendment to a contract must contain the correct shipper's name as it appears on the original contract. TNT Bestway Transportation filed Amendment 2 naming Johnson Safety as the shipper, which was not the same shipper named in the original contract.

This filing was listed on the Commission's Daily Transportation Calendar on November 23, 1992, and was suspended December 4, 1992, for 30 days.

This order is issued DEC 16 1992, by the Public Utilities Commission of the State of California by the adoption of the Resolution No. OCR-1060 of which this order is a part.



Executive Director of the
Public Utilities Commission