

6/4 T-2

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. TS-675
Transportation Division

(RESOLUTION PROVIDING FOR SUSPENSION, REVOCATION AND REINSTATEMENT)
(OF CERTIFICATES AND PERMITS OF HIGHWAY COMMON CARRIERS, HIGHWAY)
(CONTRACT CARRIERS, CEMENT CARRIERS AND CEMENT CONTRACT CARRIERS)
(FOR FAILURE TO AMEND TARIFFS AND/OR CONTRACTS OR TO REPLACE)
(ADOPTIONS OF MINIMUM RATE TARIFFS OR TRANSITION TARIFFS)

Under General Orders 80 and 147, the classifications of carriers referred to above are required to maintain tariffs and contracts on file with the Commission. By Decision (D) 86-04-045, the Commission ordered a mandatory 10% increase, with certain exceptions, to the rates of carriers subject to its Transition Tariffs. The increase, where applicable, was to be made by May 5, 1986. D. 86-04-045 also requires all carriers to replace their adoptions of the Minimum Rate and Transition Tariffs with their own tariffs, to become effective on October 1, 1986.

By D. 86-05-053 the Commission ordered all cement carriers and cement contract carriers to increase their rates by 3%, effective June 6, 1986.

The Commission finds that the failure of highway carriers to timely amend or reissue their tariffs and/or contracts as required by Commission orders is a violation of the Public Utilities Code, and cause for suspension and revocation of their operating authority. The Commission further finds that the determination of carrier compliance with tariff and contract filing requirements are ministerial functions which do not require an exercise of judgement by the Commission. The Commission concludes that the certificates and permits held by carriers who fail to timely file amended or reissued tariffs and contracts or submit a declaration that the amendments are not required should be suspended and revoked by the Executive Director. Upon compliance with all outstanding requirements, the operating authorities should be reinstated under authority delegated to the Executive Director.

IT IS ORDERED that:

1. The Executive Director is hereby authorized on behalf of the Commission to suspend and revoke certificates of public convenience and necessity and permits held by Highway Common Carriers, Highway Contract Carriers, Cement Carriers and Cement Contract Carriers who fail to timely file required amended or reissued tariffs, contracts, or a declaration on a form provided by the Commission staff that such amendments are not necessary. Each such suspension or revocation shall recite that it was issued pursuant to this resolution. Each such order when signed by the Executive Director shall be deemed to be the order of the Commission.

2. Suspended certificates and permits may be reinstated effective the date the required amended or reissued tariffs, contracts or declarations are filed with and accepted by the Executive Director and upon compliance with all other applicable Commission requirements.

3. The Executive Director is authorized to reinstate revoked certificates and permits upon compliance by the carriers with this resolution and acceptance of the amended or reissued tariff or contract or declaration and the receipt of a reinstatement fee of \$125 for each certificate or permit to be reinstated, and upon compliance with all other applicable Commission requirements.

4. A carrier may appeal any action taken pursuant to this resolution by filing an application with the Commission pursuant to the Commission's Rules of Practice and Procedure.

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on JUN 4 1966.

The following Commissioners approved it.

DONALD VIAL
President
VICTOR CALVO
PRISCILLA C. GREW
FREDERICK R. DUDA
STANLEY W. HULETT
Commissioners



Executive Director