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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution TS-685  
Transportation Division  
May 4, 1990

R E S O L U T I O N

RES. TS-685. RESOLUTION TO CANCEL ITEMS 320 AND 330  
OF STERLING TRANSIT COMPANY TARIFF 200 CA PUC 1

In Decision (D.) 90-02-021, effective March 15, 1990, the Commission ordered that every less-than-truckload (LTL) carrier with 1988 California intrastate gross annual revenues exceeding \$10 million (as reported in annual reports to the Commission) eliminate shipper-specific rates. The Director of the Transportation Division established a schedule of 30, 60 and 90 days from March 15, 1990 as required by D.90-02-021.

Sterling Transit Company (Sterling) Tariff 200 (Items 320 and 330) requires shippers desiring participation in these items to make written notification either on a form provided by Sterling, or by letter of intent with a confirming letter of acknowledgement from the carrier. This provision violates D.90-02-021, which prohibits write-in tariffs. Write-in tariffs allow secret, shipper-specific rates. They prevent other shippers and carriers from knowing the rates that are available, and they place carriers without write-in tariffs at a competitive disadvantage. It is likely that only those shippers informed by the carrier would have knowledge of the participation procedures. This allows carriers to easily discriminate among common carrier customers.

In an effort to help carriers to conform to the Commission's schedule the transportation staff asked carriers to give the staff a preference as to the scheduling of the cancellation or amending of its tariffs. A schedule was sent to Sterling. There has been no response. Sterling has not cancelled or amended the named items in Tariff 200 as scheduled.

Findings of Fact

1. D.90-02-021 ordered shipper-specific tariffs and rates to be cancelled.
2. Sterling Tariff 200 contains items which are prohibited by D.90-02-021.
3. Sterling has been notified and has had the opportunity to give the Commission input to the schedule to correct the tariff.

4. The Director of Transportation scheduled Items 320 and 330 of Tariff 200 to be cancelled or amended by April 16, 1990.
5. Sterling has not cancelled or amended its shipper-specific rates which had an April 16, 1990 deadline.

Conclusion of Law

Items 320 and 330 of Sterling Transit Company Tariff 200 are shipper specific and should be cancelled or amended to apply to all customers.

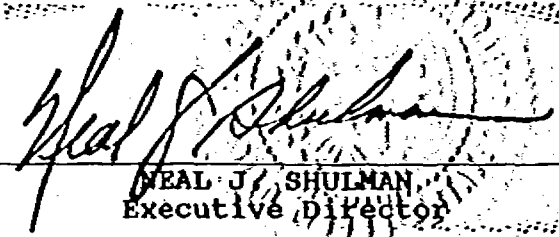
IT IS ORDERED that:

1. Sterling Transit Co. shall cancel Items 320 and 330 in its Tariff 200 within 10 days of the effective date of this order.
2. The Executive Director shall cause a certified copy of this Resolution to be served personally on Sterling Transit Company.

Sterling Transit Company - T-26,394  
833 South Maple Avenue  
Montebello, CA 90640

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on May 4, 1990. The following Commissioners approved it:

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

  
NEAL J. SHULMAN  
Executive Director