

Resolution TS-686
Transportation Division
May 4, 1990

R E S O L U T I O N

RES. TS-686. RESOLUTION TO CANCEL ITEM 320 OF
T. N. T. BESTWAY TRANSPORTATION
TARIFF 300, CA PUC 3

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.

T. N. T. Bestway Transportation, Inc. (T. N. T.) Tariff 300 (Item 320) requires shippers desiring participation in this item to make written notification 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 their tariffs. A schedule was sent to T. N. T. There has been no response. T. N. T. has not cancelled or amended the named item in Tariff 300 as scheduled.

Findings of Fact

1. D.90-02-021 ordered shipper-specific tariffs and rates to be cancelled.
2. T. N. T. Tariff 300 contains an item which is prohibited by D.90-02-021.

3. T. N. T. 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 Item 320 of Tariff 300 to be cancelled by April 16, 1990.
5. T. N. T. has not cancelled or amended its shipper-specific rates which had an April 16, 1990 deadline.

Conclusion of Law

Item 320 of T. N. T. Bestway Transportation, Inc. Tariff 300 is shipper specific and should be cancelled or amended to apply to all customers.

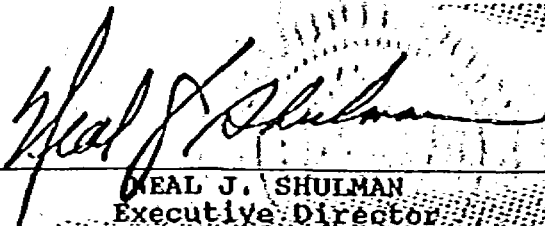
IT IS ORDERED that:

1. T. N. T. Bestway Transportation, Inc. shall cancel Item 320 in its Tariff 300 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 by certified mail on T. N. T. Bestway Transportation, Inc.

T. N. T. Bestway Transportation, Inc. - T-139,846
2633 East Indian School Road
Phoenix, AZ 85016

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 WALK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners


NEAL J. SHULMAN
Executive Director