

ORIGINAL

Decision No. 43946

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations,)
rates and practices of LLOYD C. ALT)
and RAYMOND K. ALT, doing business)
as Palace Van and Storage Company.)

Case No. 5152

Harold J. McCarthy for the Field Division,
Public Utilities Commission.
Frank Langhran for Respondent.

O P I N I O N

This proceeding was instituted, upon the Commission's own motion, by the service of an order of investigation upon respondents, to determine whether (1) respondents have violated Sections 10, 12(a) and 13-5/8 of the Highway Carriers' Act; (2) respondents' operating authority or any part thereof should be cancelled, revoked or suspended; (3) respondents should be ordered to cease and desist from assessing and collecting less than minimum rates and from issuing shipping documents in form other than prescribed by the Commission. The order recites that respondents, holders of Radial Highway Common Carrier Permit No. 1-2034, City Carrier Permit No. 1-2035 and Highway Contract Carrier Permit No. 1-5543 appear to have failed during the periods October 1, 1948 to October 31, 1948 and December 1, 1948 to December 31, 1948, to set forth on freight bills and shipping documents such information as is required by Highway Carriers' Tariffs No. 2 and No. 4. A public hearing was held in San Francisco, January 18, 1950, before Examiner Gillard and the matter submitted for decision.

The evidence disclosed that Lloyd C. Alt (a partner in the firm of Lloyd C. Alt and Raymond K. Alt, doing business as Palace Van and Storage Company) has been engaged, since 1920, in the transportation of household goods. Respondents operate 5 semi-trailers,

4 tractors, 2 vans and 1 pick-up truck and employ 6 persons. Mr. Alt testified that intercity movement of goods accounted for 50% of his business, the remaining 50% being attributed to intracity movements.

Respondents handled 182 intercity shipments during October and December 1948. Thirty of these shipments are analyzed on a document introduced in evidence as Exhibit "1". Respondents stipulated that columns B through K of the exhibit, correctly reflect the information contained in the shipping documents issued and retained by them. It was further stipulated that Highway Carriers' Tariffs Nos. 2 and 4 and Distance Table No. 3 were served on respondents on March 18, 1948.

Exhibit "1" shows that ten types of required data were omitted from the shipping documents involved. Five of these occurred once to thrice each. Of the remaining five, failure to describe properly the commodity occurred 27 times, including the instances in which a description of the goods did not contain the word "used." Failure to obtain written confirmation of shipping instructions and rate quotations signed by the carrier and shipper occurred 15 times; and failure to set forth agreed or declared value of the property, specify loading area of equipment used, and number of men employed in addition to driver, occurred 9 times each. Exhibit "1" further shows improper assessment of rates occurred 14 times.

Lloyd C. Alt testified that the office phase of processing freight bills were performed by the bookkeeper and himself and that he has had difficulty in procuring personnel capable of understanding tariffs. He further stated that he has always cooperated with the Commission's staff and has attempted to comply with the decisions, tariffs, rules and regulations of the Commission.

The violations committed herein are more in the nature of omission than commission. They would not have happened but for laxity in office practices, misunderstanding and failure properly to

instruct personnel.

The evidence shows and respondents have not denied that there were substantial deficiencies in the data supplied in the freight bills involved.

We find from the evidence that respondents herein during the calendar months of October and December 1948, failed to keep shipping documents as prescribed by the Commission in Highway Carriers' Tariffs No. 2 and No. 4 and by so doing violated Section 10 and 13-5/8 of the Highway Carriers' Act.

While respondents' infractions of the Commission's rules and regulations appear to be serious enough to justify a short suspension of their radial permit, we have concluded, on the basis of the entire record, that outright suspension should not be invoked at this time. Instead, respondents should be given an opportunity to demonstrate that they will comply with applicable statutes and with outstanding orders of the Commission. Accordingly, the order to follow, although imposing a five-day suspension be stayed for approximately eight months, unless the Commission, within that period, reopens the proceeding and, after notice to respondents and an opportunity to be heard, for good cause deems imposition of the suspension appropriate. Otherwise, the proceeding will automatically terminate at the end of the eight-month period.

O R D E R

Public hearing having been held in the above entitled and numbered proceeding, the matter having been submitted for decision, the Commission now being fully advised and basing its order upon the findings and conclusions contained in the foregoing opinion,

IT IS ORDERED:

- (1) That Radial Highway Common Carrier Permit No. 1-2034,

held by Lloyd C. Alt and Raymond K. Alt, doing business as Palace Van and Storage Company, respondents herein, be and it is hereby suspended for a period of five (5) consecutive days; provided, however, that such suspension shall not become effective unless and until, on or before December 15, 1950, the Commission shall have reopened this proceeding for receipt of further evidence, and thereafter, upon notice to respondents and an opportunity to be heard, shall otherwise order.

(2) The Secretary is hereby directed to cause personal service of a certified copy of this decision to be made upon respondents, and this decision shall become effective upon the twentieth day after the date of such service.

Dated at San Francisco, California, this 14th day of March, 1950.

R. Z. [Signature]
Justice Z. [Signature]
[Signature]
Harold P. [Signature]
[Signature]
COMMISSIONERS