

ORIGINALDecision No. 53516

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 THOMAS B. WATT, JR., and WALTER J.)
 NELSON, doing business as JOHNSON'S)
 TRUCKING SERVICE to deviate from)
 established rates.)

Application No. 36562

ORDER DENYING PETITION FOR MODIFICATION

By application filed December 14, 1954, Thomas B. Watt, Jr., and Walter J. Nelson, doing business as Johnson's Trucking Service, sought authority to transport forest products for Willamette Builders & Supply Company at a rate less than the established minimum rates in effect at the time. In Decision No. 51347 the Commission granted the authority sought for a one year period. During the course of the proceedings it was developed that the applicants had been charging less than the established minimum rates prior to it having obtained authority to do so. In the opinion in said Decision No. 51347 it is stated:

"The partner applicant stated that, in assessing the sought rate of 16½ cents, in lieu of the applicable minimum rate of 22 cents, there was no intent to violate the Commission's minimum rate order, and that Willamette would be billed for the difference between the two rates on all traffic moving prior to the effective date of such authorization as may issue from this proceeding. (14) Also, Willamette's plant manager testified that his company fully intended to make additional payment of charges to the basis of the applicable minimum rate on all shipments not covered by minimum rate relief. Applicants will be expected to collect these undercharges from Willamette."

In the order in said decision, applicants were directed to inform the Commission when the undercharges are collected. By this petition the applicants seek to be released from the provisions of said decision regarding the collection of undercharges.

Public hearing was held April 10, 1956 before Examiner J. E. Thompson at San Francisco. This matter was scheduled to be heard with the first supplemental application in this proceeding together with other applications and Case No. 5432 concerning rates for the transportation of lumber in Siskiyou County. At the hearing, the petitioners herein requested that the petition for modification be heard separately and be continued. At petitioners' request, hearing on this petition was continued to May 11, 1956. At the hearing on May 11, 1956, no evidence was received and at the petitioners' request the hearing was continued to June 29, 1956, in San Francisco.

On June 29, 1956, the petitioners failed to appear at the hearing; therefore, good cause appearing,

IT IS ORDERED that the petition for modification be and it is hereby denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 31st day of July, 1956.

Peter E. Mitchell President
James L. ...
William ...
R. Hardy
Commissioners