

ORIGINALDecision No. 54208

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)	
motion into the operations, rates and)	
practices of MARJORIE DUARTE, doing)	
business as OXNARD TRANSPORTATION CO.,)	Case No. 5643
OXNARD VAN & STORAGE, OXNARD MOVING)	
AND STORAGE, and A-1 OXNARD MOVING)	
AND STORAGE.)	

Cyril M. Saroyan, for the Commission staff.Donald Murchison, for the respondent.Benn W. Porter, for Higgins Trucks, Inc., and
Jackson W. Kendall, for Bekins Van and
Storage Company, interested parties.**O P I N I O N**

This proceeding was instituted upon the Commission's own motion by the service of an order instituting investigation upon the respondent on April 19, 1955, to determine (1) whether the respondent has violated Sections 3664 and 4013 of the Public Utilities Code by charging, demanding, collecting, or receiving a lesser compensation for the transportation service than the applicable rates and charges specified in Highway Carriers' Tariff No. 2 (now Minimum Rate Tariff No. 2), City Carriers' Tariff Tariff No. 3-A, and Highway Carriers' Tariff No. 4-A (now Minimum Rate Tariff No. 4-A); (2) whether respondent has violated Sections 3737, 3774 and 5285 of the Public Utilities Code; (3) whether any or all of the operating authority of respondent should be canceled, revoked or suspended for violations of Sections 3774 and 5285 of the Public Utilities Code; (4) whether respondent should be ordered to comply with the rules and regulations concerning the issuance of shipping documents contained in Minimum Rate Tariff No. 2 and other minimum rate tariffs above mentioned; and (5) whether Marjorie Duarte is the sole owner of said enterprise, or whether

Christopher Duarte, husband of Marjorie Duarte, has some present interest or ownership in said transportation enterprise.

Public hearings were held in Los Angeles before Examiner Kent C. Rogers and subsequently the matter was orally argued and submitted. It is ready for decision.

After careful and thorough investigation by the staff, and full public hearing, the Commission, being fully informed, finds and concludes as follows:

(1) That, on the evidence of record in this proceeding, Marjorie Duarte, respondent herein, appears to be the sole owner of the subject enterprises.

(2) That on June 15, 1954, respondent transported two truck loads of household furniture and furnishings for Mrs. Ollie Swanson from Camarillo to Reseda; that the original freight bill, No. 75, issued in connection with the said shipment, was subsequently destroyed by respondent or her husband, Christopher J. Duarte, who acts as the operations manager for respondent's business, and two other and different freight bills were substituted therefor. That the original freight bill issued in connection with this shipment was deficient and violative of Item 230 Series of Minimum Rate Tariff No. 4-A, in that it does not set forth all details necessary to an accurate determination of the applicable minimum rate and charge. The said document further violates Item 230 in that it shows a charge for 7½ hours of packing and unpacking, being billed at \$26.25; showing that a van and two men were used, but not indicating whether two men were involved for 7½ hours each or whether each man worked only 3-¾ hours for a total of 7½ hours. The document not indicating clearly the number of man-hours involved in performing the service, it is impossible to determine from it the proper charge for accessorial services. Because of these deficiencies, the proper minimum rates

cannot be determined from the face of this document. As to the two shipping documents, Exhibits Nos. 14 and 15, subsequently substituted for freight bill No. 75 showing shipment on such bills, if the shipment were indeed made on such bills rather than on freight bill No. 75, the Exhibit 15 document was violative of Item 260 Series of Minimum Rate Tariff No. 4-A in that respondent failed to secure a proper confirmation of shipping instructions and rate quotations signed by the shipper prior to the movement. The Exhibit 14 document is deficient in that it does not show whether the total man-hours involved in packing and unpacking were $7\frac{1}{2}$ hours or 15 hours.

(3) That on March 24, 1954, respondent transported a General Electric refrigerator from Los Angeles to Newbury Park, California, for John S. Williams; that the freight bill issued in connection with such shipment was defective in that it showed no weight and no rate; that, subsequent to the date of shipment, a substitute shipping document was issued showing the weight of the shipment; that the original freight bill on this shipment was incomplete and violative of the requirements of Item 255 Series of Minimum Rate Tariff No. 2 in that (1) the description of the commodity was not in accordance with the terms of the Western Classification so that it is impossible to determine from it the type of refrigerator, whether household or commercial, set up or knocked down, (if set up it would take a second class rate and if knocked down it would take a third-class rate); (2) the weight of the shipment or other factor or measurement upon which the charges were based does not appear on the document; and (3) other information necessary to an accurate determination of the applicable minimum rate and charge does not appear on the document.

(4) That respondent failed to keep her accounting records in accordance with the Uniform System of Accounts from the time she commenced operations until January 1, 1955.

(5) That respondent was warned by a Commission representative prior to performing the transportation involved in this proceeding that proper shipping documents containing the information prescribed by applicable Commission tariffs must be issued for each shipment received for transportation.

O R D E R

A public hearing having been held in the above-entitled 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 that respondent shall henceforth issue all shipping documents in strict compliance with the provisions of Minimum Rate Tariff No. 4-A and Minimum Rate Tariff No. 2, whichever is applicable to the shipment involved.

IT IS FURTHER ORDERED that respondent shall henceforth maintain all accounting records in strict compliance with the provisions of the Uniform System of Accounts.

IT IS FURTHER ORDERED that Radial Highway Common Carrier Permit No. 56-1247, Highway Contract Permit No. 56-1248, and Household Goods Permit No. 56-1511, issued to Marjorie Duarte (M. P. Zimmer Duarte) be and they are hereby suspended for five consecutive days starting at 12:01 A. M. on the day following the effective date hereof.

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

Dated at San Francisco, California, this 27th day of December, 1956.

[Signature]
President
[Signature]
[Signature]
[Signature]

Commissioners

Commissioner C. Lynn Fox, being necessarily absent, did not participate in the disposition of this proceeding.