

ORIGINAL

Decision No. 54954

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations,
rates, and practices of DAVID ROZAS,
doing business as ROZAS TRUCKING
SERVICE.

Case No. 5889

David Rozas, in propria persona.
Anthony V. Danna, for Furniture Manufacturers
Association, interested party.
William C. Bricca and J. Lane Barbour, for the
Commission staff.

O P I N I O N

The Commission instituted an investigation on its own motion into the operations, rates, and practices of David Rozas, doing business as Rozas Trucking Service, hereinafter termed respondent, for the purpose of determining whether respondent has acted in violation of the Public Utilities Code, particularly Sections 3664 and 3667 thereof, by charging, demanding, collecting, or receiving a lesser compensation for the transportation of property than the applicable charges prescribed in Minimum Rate Tariff 11-A, and/or whether respondent has acted in violation of said Public Utilities Code by failing to adhere to other provisions and requirements of Minimum Rate Tariff 11-A in the transportation of uncrated furniture, including, but not limited to Items 400-A and 60-A of said tariff, particularly the transportation of property as shown on respondent's freight bills numbers 12334, 123, 1109, 1135, 1138, 1173, 1187, 1108, 1201 and 1209.

A public hearing was held in Los Angeles before Examiner Mark V. Chiesa on April 4, 1957. Oral and documentary evidence having been adduced, the matter having been submitted for decision, the Commission makes the following findings of fact and conclusions of law:

That respondent David Rozas, at all times hereinafter mentioned was, and now is, the holder of Radial Highway Common Carrier Permit No. 19-46623 issued to him by this Commission on April 6, 1953; that respondent has been served with a copy of Minimum Rate Tariff No. 11-A and Distance Table No. 4, and at all times hereinafter knew or should have known the contents of said tariff and distance table; that respondent undercharged for the transportation services shown on the following numbered freight bills (Exhibit No. 2) amounts as follows:

<u>Date</u>	<u>Freight Bill No.</u>	<u>Amount Charged and Collected by Respondent</u>	<u>Correct Total Charges as per MRT 11-A, Items 400-A and 60-A Supplement No. 1</u>	<u>Amount Under-charged</u>
1-26-56	12334	\$ 46.00	\$ 63.63	\$ 17.63
2-23-56	123	50.00	56.71	6.71
6-13-56	1109	33.14	36.33	3.19
6-20-56	1135	18.00	20.65	2.65
6-20-56	1138	29.89	32.76	2.87
6-25-56	1173	15.33	17.81	2.48
6-25-56	1187	45.99	48.89	2.90
6-13-56	1108	28.73	31.51	2.78
6-28-56	1201	66.68	73.08	6.40
6-28-56	1209	16.86	19.71	2.85

That this Commission by letters dated June 29, July 11 and October 2, 1956, and by night letter (telegram) dated August 2, 1956 (Exhibit No. 3) notified respondent specifically of the undercharges for shipments shown on freight bills numbers 12334 and 123

and directed him to collect the proper charge and to inform the Commission in writing of the action taken to comply with its request; that respondent was also given an opportunity to explain the freight charges that were applied by him; that respondent has failed to reply to or acknowledge said correspondence and has refused to take any steps whatever to collect the proper charges; that respondent, although present at the hearing, did not avail himself of the opportunity offered him to testify or explain any of the said transactions or his failure to respond to the said correspondence.

The Commission having considered the evidence of record finds and concludes that David Rozas, doing business as Rozas Trucking Service, has violated the provisions of Minimum Rate Tariff No. 11-A, particularly Items Nos. 400-A and 60-A thereof, and also Sections Nos. 3664 and 3667 of the Public Utilities Code of this State by having assessed and collected charges less than the applicable minimum charges prescribed by said tariff.

O R D E R

A public hearing having been held in the above-entitled proceeding, the Commission being fully advised in the premises, and having found facts and concluded as above set forth,

IT IS ORDERED:

(1) That the Radial Highway Common Carrier Permit No. 19-46623 issued to David Rozas be, and the same hereby is suspended for a period of not less than ten days beginning at 12:01 a.m. on the first Monday following the effective date of this order, provided, further, that the suspension shall continue in effect beyond said ten-day period unless and until, upon the further order of this Commission,

the suspension be set aside and respondent's permit restored upon a satisfactory showing made to this Commission in writing that respondent David Rozas has collected, or has taken appropriate action or measures to collect, all the undercharges as hereinabove set forth.

(2) That upon David Rozas' failure to have his permit No. 19-46623 restored, in the manner as set forth in paragraph (1) hereof, within ninety days after the effective date of this order, said permit is hereby revoked and cancelled effective ninety-one days from the effective date of this order.

The Secretary of this Commission is ordered to cause personal service of this order to be made upon respondent David Rozas. This order shall be effective twenty days after completion of said service.

Dated at San Francisco, -California, this 7th day of May, 1957.

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