

ORIGINAL

Decision No. 55544

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
 motion into the operations, rates, and
 practices of JAMES A. STAFFORD, doing
 business as J. A. STAFFORD TRUCKING.

Case No. 5916

Hector Anninos for the Commission's staff.

James A. Stafford for self.

O P I N I O N

This investigation, instituted by the Commission on its own motion, pertains to the operation, rates and practices of respondent James A. Stafford, an individual doing business as J. A. Stafford Trucking, operating as a Radial Highway Common Carrier and Highway Contract Carrier pursuant to permits issued to him by this Commission on January 14, 1946 and June 15, 1946, respectively, which permits at all times hereinafter mentioned, have been and now are in full force and effect. The purpose of the investigation and hearing, held in Los Angeles on July 31, 1957, before Examiner Mark V. Chiesa, was to determine whether or not said respondent violated the provisions of Section 3667 of the California Public Utilities Code by having assessed and collected charges less than the applicable minimum charges prescribed in Minimum Rate Tariff No. 2.

The evidence shows and the Commission finds that respondent assessed and collected charges less than the applicable

minimum charges prescribed in Minimum Rate Tariff No. 2 as follows
(Exhibit No. 19):

<u>Freight Bill No.</u>	<u>Date</u>	<u>Consignor</u>	<u>Consignee</u>	<u>Amount Charged and Collected</u>	<u>Applicable Charge</u>	<u>Under- Charge</u>
2523	4-12-56	Cloverdale Redwood Co.	Nelson Lumber Co.	\$ 264.73	\$ 294.91	\$ 30.18
2542	4-30-56	Cloverdale Redwood Co.	Eureka Redwood Lumber Company	247.36	296.56	49.20
2883	5-29-56	Development Engineers, Inc.	Development Engineers, Inc.	233.15	264.60	31.45
2538	4-30-56	Development Engineers, Inc.	Development Engineers, Inc.	415.46	506.82	91.36
2260	10-9-56	El Monte Hay Market	C. A. Van Dam	170.41	188.16	17.75
7835	10-8-56	El Monte Hay Market	Ben Gonsalves	167.52	184.97	17.45
2265	10-15-56	H. H. Hill	Reliance Dairy	105.17	119.47	14.30
2264	10-13-56	El Monte Hay Market	Reliance Dairy	103.71	117.81	14.10
2263	10-19-56	El Monte Hay Market	Reliance Dairy	98.96	112.40	13.44
2258	10-2-56	El Monte Hay Market	Ben Gonsalves	153.76	169.79	16.03
					Total Undercharges	\$295.26

The Commission having found facts as hereinabove set forth, concludes that respondent James A. Stafford has violated the provisions and requirements of Minimum Rate Tariff No. 2 and the California Public Utilities Code, Section 3667.

The record further shows that respondent has collected a portion of said undercharges, to wit, the sum of \$91.13, and is in the process of collecting the balance thereof.

The Commission makes its order as follows:

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and good cause appearing,

IT IS ORDERED:

(1) That the Radial Highway Common Carrier Permit No. 19-23198 and Highway Contract Carrier Permit No. 19-49273 issued to James A. Stafford be, and the same are, hereby suspended for a period of three days beginning at 12:01 a.m. on the second Monday following the effective date of this order.

(2) That James A. Stafford shall take appropriate action or measures to collect the balance of the applicable charges as above set forth and in the event charges to be collected and payments to be made as provided in this order remain uncollected or unpaid ninety days after the effective date of this order, James A. Stafford shall submit to the Commission on Monday of each week thereafter a report setting forth the action taken to collect said charges and the result of such action until such charges and payments have been collected and paid in full or until the further order of this Commission.

(3) That the Secretary of the Commission is directed to cause personal service of this order upon James A. Stafford and

this order shall become effective twenty days after the date of such service.

Dated at San Francisco, California,
this 10th day of SEPTEMBER, 1957.

W. E. Hatch
President
Ray G. [unclear]
[unclear]
R. Hardy
E. Lyn Fox
Commissioners