

ORIGINALDecision No. 55602

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
 motion into the operations, rates and)
 practices of CHARLES GILBRETH, SR.,) Case No. 5918
 CHARLES GILBRETH, JR., and NORMAN)
 GILBRETH, doing business as CHARLES)
 GILBRETH AND SONS.)

Charles Gilbreth, Sr., and Norman Gilbreth
 in propria personae and also appearing
 on behalf of Charles Gilbreth, Jr.
William C. Bricca and Arthur J. Lyon, Jr.,
 for the Commission's staff.

O P I N I O N

On March 26, 1957, the Commission issued an order instituting an investigation into the operations, rates and practices of Charles Gilbreth, Sr., Charles Gilbreth, Jr., and N. Gilbreth, doing business as Charles Gilbreth and Sons.

A public hearing was held before Examiner Thomas E. Daly at San Francisco on August 13, 1957 and the matter was submitted.

During the course of hearing, the staff presented witnesses from the Commission's Field Section and Rate Section. The results of their investigation were introduced into the record.

The investigation covered the period from October 1955 to and including February 1956, and the month of June 1956.

The record consists primarily of 37 freight bills and supporting documents, which show violations of the minimum rates resulting in undercharges amounting to \$547.29.

The Commission finds that, in many instances, respondents granted the Selma Dressed Beef Company rebates of 15 percent of the applicable minimum rates. It was stated that respondents purchased two trucks from the Selma Dressed Beef Company with the understanding that respondents would perform said company's transportation service. After the trucks were paid for, a representative of the company informed the respondents that they would suffer the loss of the company's transportation business unless respondents reduced the applicable rates by 15 percent. As found aforesaid, such reduction was granted by respondents.

After consideration, the Commission is of the opinion and so finds that, during the periods here involved, respondents acted in violation of the Public Utilities Code by charging, demanding, collecting and receiving a lesser compensation for the transportation of property than the applicable charges prescribed in Minimum Rate Tariff No. 3. Respondents will be directed to cease and desist from the collection of charges not authorized. Respondents' operating authority will be suspended for five days, and respondents will be directed to collect the undercharges set forth in Appendix "A" attached hereto.

O R D E R

The Commission having instituted investigation herein, public hearing having been held and the Commission being informed in the premises,

IT IS ORDERED:

(1) That respondents Charles Gilbreth, Sr., Charles Gilbreth, Jr., and Norman Gilbreth, doing business as Charles Gilbreth and

Sons, cease and desist from charging, demanding, collecting and receiving a lesser compensation for the transportation of property than the applicable charges prescribed in Minimum Rate Tariff No. 3.

(2) That Highway Contract Carrier Permit No. 10-8419 and Radial Highway Common Carrier Permit No. 10-5673 issued in the name of respondents are hereby suspended for a period of five consecutive days beginning at 12:01 a.m. on the second Monday following the effective date hereof.

(3) That respondents shall post in their terminal and station facilities used for receiving property from the public for transportation, not less than five days prior to the beginning of the suspension period, a notice to the public stating that their operating authority under their permits has been suspended by the Commission for the period of five days.

(4) That respondents are directed within twenty days after the effected date of this order:

- (a) To collect the undercharges indicated upon Appendix "A" attached hereto.
- (b) To notify the Commission in writing upon the consummation of said collections.

(5) That in the event the charges to be collected, as provided in paragraph 4 of this order, or any part thereof, remain uncollected eighty days after the effective date of this order, respondents shall submit to the Commission, on Monday of each week, a report specifying the action taken to collect said charges and the results of said action, until said charges have been paid in full or until further order of this Commission.

(6) That the Secretary of the Commission is directed to cause personal service of this order to be made upon respondents, and

this order shall become effective twenty days after the completion of said service.

Dated at Los Angeles, California, this 24th day of SEPTEMBER, 1957.

W. E. Mitchell
President

George L. ...

...

R. Hardy

E. L. Fox
Commissioners

APPENDIX "A"

<u>Freight Bill Number</u>	<u>Rate Charged</u>	<u>Rate That Should Have Been Charged</u>	<u>Amount Collected</u>	<u>Amount of Undercharges</u>
10497	17.85	23.10	-	5.25
10101	10.91	22.50	14.46	8.04
10130	86.45	96.53	73.48	23.05
10111	38.83	40.88	33.01	7.87
9584	7.06	10.15	-	3.09
10138	44.85	57.44	-	12.59
9552	17.69	22.81	15.04	7.77
10201	69.30	94.67	58.90	35.77
9481	78.00	96.53	66.30	30.23
10205	61.67	68.17	52.42	15.75
9487	51.20	75.00	43.62	31.38
9492	57.20	78.00	48.62	29.38
10210	37.10	46.20	-	9.10
9496	34.23	35.00	29.10	5.90
9497	22.28	33.99	-	11.71
9518	24.45	38.85	20.78	18.07
10189	19.46	34.86	-	15.40
9457	20.42	33.25	-	12.83
10192	35.56	46.19	-	10.63
10227	32.02	41.77	-	9.75
9520)				
10230)	29.02	42.68	-	13.66
10231)				
10024	49.98	53.37	-	3.39
10022	125.98	171.34	-	45.36
9408	46.16	49.29	-	3.13
10234	10.58	20.91	-	10.33
10237)				
10280)	42.23	61.03	-	18.80
10311	51.36	55.17	43.66	11.51
10343	30.14	49.97	25.62	24.35
10313	58.71	64.89	49.90	14.99
136	58.71	64.89	49.90	14.99
129	51.12	64.89	43.46	21.43
10320	47.90	50.99	40.71	10.28
10325	41.12	41.13	34.95	6.18
131	76.50	77.25	65.02	12.23
207	57.94	61.68	49.25	12.43
208	48.38	51.51	41.12	10.39
209	47.90	50.99	40.71	10.28