

ORIGINALDecision No. 55929

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the operations,)
 rates and practices of CALIFORNIA)
 TRUCK LINES.)

Case No. 5875

Martin J. Porter, for the Commission
 staff.

O P I N I O N

On January 15, 1957, the Commission issued an order instituting an investigation into the operations, rates and practices of California Truck Lines.

A public hearing was held before Examiner Thomas E. Daly at San Francisco on October 4, 1957. No appearance was made on behalf of respondent. The matter was submitted upon the receipt in evidence of a written stipulation entered into by counsel for the Commission and counsel for respondent.

It was stipulated that respondent transports property as a radial highway common carrier, a highway contract carrier and a city carrier; that respondent has been served and had in its possession Minimum Rate Tariff No. 2 and all applicable rules and regulations to the transportation involved in the instant proceeding; that Exhibit "A" attached to the stipulation is a summary of certain shipping data contained in the records of respondent, together with opinion as to applicable minimum rates for shipments reflected by such data, prepared by the Rate Branch of this Commission; that the date of certain documents had been changed by respondent in order to give the appearance that certain shipments were component parts of a multiple lot shipment; and that the stipulation, along with Exhibit "A", may be presented and received in evidence.

Exhibit "A" reflects violations of the minimum rates resulting in undercharges amounting to \$2,161.61.

After consideration, the Commission is of the opinion and so finds that respondent 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. 2. Respondent will be directed to cease and desist from the collection of charges not authorized. In view of the fact that respondent admittedly falsified records, its operating authority will be suspended for ten days, and respondent 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 respondent California Truck Lines 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. 2.

(2) That Highway Contract Carrier Permit No. 38-6623, Radial Highway Common Carrier Permit No. 38-6622 and City Carrier Permit No. 38-6624, issued in the name of respondent, are hereby suspended for a period of ten consecutive days beginning at 12.01 A.M. on the second Monday following the effective date of this order.

(3) That respondent shall post in its terminal and station facilities used for receiving property from the public for transportation, not less than ten days prior to the beginning of the

suspension period, a notice to the public stating that its operating authority under its permits has been suspended by the Commission for the period of ten days.

(4) That respondent is directed within twenty days after the effective date of this order:

- (a) To take appropriate action 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, respondent 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 San Francisco, California, this 10th day of December, 1957.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

APPENDIX "A"

<u>Freight Bill Number</u>	<u>Rate Charged</u>	<u>Rate That Should Have Been Charged</u>	<u>Amount of Undercharges</u>
1237	492.29	800.82	308.53
1261	482.85	720.02	237.17
1375	609.28	766.45	157.17
1534	411.62	518.02	106.40
1600	324.85	475.22	150.37
1607-1	491.12	775.53	284.41
1692	375.42	502.20	126.78
1819	309.59	415.49	105.90
1896	527.12	654.02	126.90
2012	757.44	1,146.88	389.44
2027	383.53	490.99	107.46
1915	253.64	277.22	23.58
1241	235.70	267.07	31.37
1358	95.73	101.86	6.13