

ORIGINAL

Decision No. 50688

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates and practices of CARL BERG, doing business as BERG TRUCK COMPANY.

Case No. 6049

Carl Berg, respondent, in propria persona.
Elmer J. Sjostrom, for the Public Utilities Commission staff.

INTERIM OPINION

Public hearing in this matter was held on April 25, 1958, at San Diego before Examiner Grant E. Syphers, at which time certain testimony was adduced.

The respondent Carl Berg conducts trucking operations under Radial Highway Common Carrier Permit No. 37-2188 dated July 7, 1947, and Highway Contract Carrier Permit No. 37-1479 dated July 20, 1945. An audit of certain records of this carrier disclosed that in September 1956 he had transmitted two shipments at rates allegedly lower than those permitted under the applicable tariffs. Under date of January 18, 1957, the Commission sent the respondent a letter advising him of these alleged undercharges and requesting that he send any explanation he might have therefor to this Commission. On February 26, 1957, a second letter was sent to the respondent advising that he had not replied and requesting that he do so. On May 20, 1957, a telegram was

sent to respondent referring to the two previous letters and requesting that he reply.

On August 14, 1957, a representative of the Field Section of this Commission called on the shipper involved who stated he had not been contacted concerning any alleged undercharges. Subsequently the field representative called at the home of the respondent and the respondent's wife refused to show any records, stating that she could not do so unless her husband was present. On October 21, 1957, another letter was sent to respondent requesting him to bring his records to the office of the Commission in San Diego. There was no response received thereto.

The respondent testified that he was of the opinion that the rates he charged were correct, and further that he had no objection to showing his records to representatives of this Commission. He agreed to bring his records for the past three years to the office of the Commission in San Diego on May 9, 1958, at 10:00 a.m., if at all possible to do so.

It appears from the evidence that it will be necessary to have an examination of these records before the investigation relative to alleged undercharges can be completed.

INTERIM ORDER

An order of investigation having been issued, public hearing having been held thereon, the Commission being fully advised in the premises and good cause appearing,

IT IS ORDERED:

(1) That Carl Berg, doing business as Berg Truck Company, produce his records for the inspection of a representative of this Commission on or before May 30, 1958.

(2) That subsequent to such inspection further hearings be held in this matter in accord with the stated purposes of the order of investigation issued herein.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California,
this 13th day of May, 1958.

W. E. Mitchell President
Ray C. Intermine
Walter J. Pooler
Therese J. Jensen

 Commissioners

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