

ORIGINAL

Decision No. 57357

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations,
rates, and practices of T. C.
HOLLINGSWORTH, doing business as
T. C. HOLLINGSWORTH TRUCKING.

Case No. 6118

Edward G. Fraser, for the Commission staff.
Richard M. Sherman and T. C. Hollingsworth
for respondent.

O P I N I O N

This proceeding was instituted, upon the Commission's own motion, by service of an order of investigation upon the respondent T. C. Hollingsworth on June 4, 1958, to determine whether respondent in the operation of a business as a radial highway common carrier, a highway contract carrier, and a city carrier, (1) has violated Sections 3664 and 3667 of the Public Utilities Code by charging, demanding, collecting or receiving a lesser compensation for the transportation of property than the applicable rates prescribed by Minimum Rate Tariff No. 2, and (2) has violated Sections 3664 and 3667 of the Public Utilities Code by failing to adhere to the provisions and requirements of Minimum Rate Tariff No. 2 and supplements thereto.

A public hearing was held in Colton on July 23, 1958, before Examiner Kent C. Rogers. Oral and documentary evidence having been adduced and the matter having been submitted for decision, the Commission makes the following findings of fact and conclusions of law:

That respondent T. C. Hollingsworth, doing business as T. C. Hollingsworth Trucking, at all times herein mentioned was and now is the holder of Radial Highway Common Carrier Permit No. 36-2329 issued on September 24, 1956, Highway Contract Carrier Permit No. 36-2710 issued on August 1, 1949, and City Carrier Permit No. 36-2777 issued on August 2, 1950; that respondent holds no other type of operating authority issued by the Commission; that prior to May 1957 copies of Minimum Rate Tariff No. 2, Distance Table No. 4, and pertinent supplements and amendments thereto, were served on respondent, and respondent, at all times hereinafter set forth, knew or should have known the contents of said tariff and distance table and the pertinent supplements and amendments thereto; that respondent thereafter transported the seven hereinafter specified shipments of lumber and the two hereinafter specified shipments of scrap paper from five consignors to eight consignees; and that the nine shipments are reflected on respondent's freight bills Nos. 1795, 1791, 1796, 1473, 1483, 1792, 1793, 1383 and 1432 (Exhibits Nos. 1 through 9 herein).

The evidence further shows that respondent undercharged for the transportation services shown on the above-numbered freight bills amounts as follows:

<u>Date</u>	<u>Freight Bill No.</u>	<u>Exhibit No.</u>	<u>Amt. charged & collected by respondent</u>	<u>Correct total charges *</u>	<u>Amount under- charged</u>
5-16-57	1795	1	\$ 254.49	\$ 312.36	\$ 57.87
5- 9-57	1791	2	288.82	369.30	80.56
5-24-57	1796	3	310.06	337.30	19.24
5-24-57	1473	4	72.05	79.50	7.45
5-24-57	1483	5	35.81	50.19	14.38
5-10-57	1792	6	304.13	313.05	8.92
5-11-57	1793	7	268.10	342.48	74.30
3-13-57	1383	8	421.55	444.83	23.28
4-19-57	1432	9	614.24	663.89	49.65

* See Exhibit No. 13 for basis of rate determinations.

The evidence further shows that the violations referred to herein are all the rate violations by respondent during the calendar year 1957, and that during said year respondent carried a total of between 800 and 900 shipments.

The Commission having considered the evidence of record and having found the facts as hereinabove set forth, concludes that respondent T. C. Hollingsworth has violated the provisions of Sections 3664 and 3667 of the Public Utilities Code of California in that he charged and received a lesser compensation for the transportation of freight than the applicable charges prescribed in Minimum Rate Tariff No. 2.

ORDER

A public hearing having been held in the above-entitled proceeding, the Commission being fully advised in the premises and having made findings and conclusions as set forth above,

IT IS ORDERED:

(1) That Radial Highway Common Carrier Permit No. 36-2329, and Highway Contract Carrier Permit No. 36-2710, issued to T. C. Hollingsworth, doing business as T. C. Hollingsworth Trucking, be, and the same hereby are, suspended for a period of two consecutive days starting at 12:01 a.m. on the second Monday following the effective date hereof.

(2) That T. C. Hollingsworth shall post at his 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 his radial highway common carrier permit and his highway contract carrier permit have been suspended by the Commission for a period of two days.

(3) That T. C. Hollingsworth shall examine his records for the calendar year 1956 and for the period from January 1, 1958 until the effective date of this order for the purpose of ascertaining if any additional undercharges have occurred.

(4) That T. C. Hollingsworth is hereby directed to take such action as may be necessary to collect the amounts of undercharges set forth in the preceding opinion together with any additional undercharges found during the examination ordered by paragraph 3 of this order and to notify the Commission in writing upon the receipt of such collections.

(5) That in the event charges to be collected, or any part thereof, as ordered in paragraph 4 of this order, remain uncollected eighty days after the effective date of this order, T. C. Hollingsworth shall submit to the Commission on the first Monday of each month a report of the undercharges remaining to be collected and specifying the action taken to collect such undercharges, and the result of such action, until such undercharges have been collected in full or until further order of the Commission.

(6) The Secretary of the Commission is directed to cause personal service of this order to be made on T. C. Hollingsworth, and this order shall become effective twenty days after the date of such service.

Dated at San Francisco, California,
this 23rd day of September, 1958.

E. Lynn Fox
President
W. L. Miller
Paul G. Winterstein
W. H. Jackson
Theodore H. Schuer
Commissioners