

**ORIGINAL**

Decision No. 57589

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

Elmer J. Sjostrom, for the Public Utilities Commission staff.

O P I N I O N

By Decision No. 56688 dated May 13, 1958, in Case No. 6049, Carl Berg, doing business as Berg Truck Company, was ordered to "produce his records for the inspection of a representative of this Commission on or before May 30, 1958". These records were not produced and, as a result, this Commission, on July 1, 1958, issued an order directing that "respondent show cause why he has not complied with said order (Decision No. 56688) and why respondent's operating authority should not be cancelled, revoked, or suspended for failure to obey the Commission's order".

A public hearing on the Order to Show Cause was held in San Diego on October 7, 1958, before Examiner Grant E. Syphers. The hearing was called at 11 a.m., and there was no appearance for the respondent Berg. The file discloses that the respondent received due notice of the hearing by registered mail. The hearing was continued to one p.m., at which time it was again called, and again there was no appearance for the respondent Berg. The staff counsel

advised that immediately following the 11 a.m. call a member of the Commission staff had phoned respondent's residence and informed his wife that the hearing was being continued until one p.m. It was also pointed out that on July 29, 1958, respondent Berg requested a voluntary suspension of his operating authority and that such authority has been suspended for the year from July 23, 1958 to July 23, 1959.

A review of all of the evidence adduced in this matter, including that testimony which was adduced at a public hearing on April 25, 1958, in San Diego, and which led to Decision No. 56628, leads us to find that the permits of respondent should be cancelled. The original order of investigation in this matter concerned alleged undercharges by respondent. At the hearing thereon on April 25, 1958, respondent agreed to permit Commission representatives to inspect his records. This hearing led to Decision No. 56688, as above pointed out.

The operating permits concerned are No. 37-2188, issued July 7, 1947, authorizing operations as a radial highway common carrier, and No. 37-1479, issued June 20, 1945, authorizing operations as a highway contract carrier. These permits now are under a year's suspension, as hereinbefore noted. They will be cancelled by the ensuing order.

#### O R D E R

An order of investigation as above entitled having been issued, the Commission having issued Decision No. 56688, dated May 13, 1958, directing respondent to produce his records, respondent

having failed to comply with said order, an Order to Show Cause having been issued on July 1, 1958, a public hearing having been held thereon and respondent having failed to appear at said public hearing after due notice thereof,

IT IS HEREBY ORDERED that Radial Highway Common Carrier Permit No. 37-2188, and Highway Contract Carrier Permit No. 37-1479, both issued to Carl Berg, doing business as Berg Truck Company, be, and they hereby are, cancelled.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California,  
this 10th day of November, 1958.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners