

ORIGINAL

Decision No. 57747

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the operations,)
 rates and practices of SENNA)
 TRUCKING COMPANY, INC., a corpor-)
 ation.)

Case No. 6070

Aaron H. Glickman, for respondent.
Karl Roos and Henry Frank, for the Commission staff.

O P I N I O N

This investigation was instituted March 3, 1958. Public hearing was held before Examiner John Power on September 16, 1958 and the matter was submitted.

Decision No. 55704 in Case No. 5432, dated October 15, 1957, increased the minimum rates set forth in Minimum Rate Tariff No. 2. This decision also directed common carriers to establish in their tariffs increases necessary to conform with the minimum rates and directed that such tariff publications be made not later than November 18, 1957. Respondent failed to do this, in time. The Commission's records fully establish the fact that the filing made by applicant was far from timely (it was made in March, 1958, effective March 18, 1958). The rates of respondent were thus depressed for a period of four months from November 18, 1957, the effective date of the rates in Decision No. 55704.

Respondent's defense was that it left the matter up to a tariff publishing agent. The agent for his part "accepted" the blame. Respondent intended this as a plea in mitigation rather than as a true defense. Under Section 702 of the Public Utilities Code

responsibility for compliance with Commission orders rests on carriers not on agents. Said section imposes on public utilities the duty to secure compliance by such "officers, agents and employees."

The Commission finds and concludes that respondent, Senna Trucking Company, Inc., has violated Section 702 of the Public Utilities Code by failing to make a timely filing as required by ordering paragraph No. 2 of Decision No. 55704, dated October 15, 1957, in Case No. 5432.

O R D E R

Public hearing having been held and the Commission basing its decision on the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that:

1. Senna Trucking Company, Inc., shall cease and desist from violation of Section 702 of the Public Utilities Code.
2. All operating authority of Senna Trucking Company, Inc., as a highway common carrier, be and it is suspended for one day, the second Monday after the effective date of this order; also for four consecutive days additional, subject to the provisions of paragraph 3 of this order.
3. The four-day suspension referred to in the second punitive clause of paragraph 2 of this order shall not take effect if, for a period of one year from the effective date of this order, Senna Trucking Company, Inc., shall make all tariff filings required of it when directed by any order of the Commission so to do and within the period of time provided by such Commission order.

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

Dated at San Francisco, California, this 16th day of December, 1958.

[Signature]
 President

[Signature]

[Signature]

[Signature]
 Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.