

ORIGINAL

Decision No. 57804

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into the operations,)
rates and practices of VALLEY)
LIVESTOCK TRANSPORTATION SERVICE,)
INC., a California corporation.)

Case No. 6074

Robert G. Baker, for respondent.
Elmer Sjostrom, for the Commission staff.

O P I N I O N

The Commission instituted this investigation on March 11, 1958. Public hearings were held on July 16 and 31, 1958, before Examiner John Power at San Francisco. The matter was submitted on the latter date subject to the filing of concurrent briefs. Such briefs were received on September 2 and the matter is ready for decision.

The staff alleged generally that respondent had violated Sections 3664 and 3667 of the Public Utilities Code. The specifications included ten instances of undercharging and four instances where necessary information was omitted from freight bills. During the hearings several concessions, both tacit and explicit, were made by respondent. Two concessions were made by the staff. As a result the area of disagreement was reduced almost to the vanishing point. In general it may be said that the staff was able to fully establish violation of the code sections set forth above.

The Commission therefore finds and concludes that the following undercharges have been established:

<u>Part of</u> <u>Exhibit No. 18</u>	<u>Respondent's</u> <u>Freight Bill No.</u>	<u>Undercharge</u>
1	4567	\$ 6.76
2	4258	14.28
3	4261	2.44
4	4376	6.95 (1)
5	09760	4.56 (1)
6	09974	19.05 (2)
7	09978	14.51 (2)
8	7025	71.64 (2)
9	7035	5.19
10	7106	14.95 (2)

Notes: (1) Conceded by respondent.
(2) Tacitly conceded by respondent through failure to challenge basis of staff allegations.

The Commission further finds that all applicable minimum rate orders were served upon respondent prior to the undercharges noted above.

The Commission further finds and concludes that respondent's freight bills Nos. 09941, dated August 6, 1957; 4363, dated May 21, 1957; 4252, dated May 21, 1957; and 4361, dated April 26, 1957, contain information insufficient to determine the minimum rates and charges applicable to the transportation involved.

The Commission further concludes that respondent has violated Sections 3664 and 3667 of the Public Utilities Code in assessing charges to shippers on the transportation referred to above. In view of the fact that respondent now operates almost exclusively as a certificated carrier its certificate as well as permits will be suspended by the following order.

O R D E R

Public hearings 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. Respondent shall cease and desist from all future violations of the Commission's Minimum Rate Tariffs Nos. 3 and 3-A.

2. Respondent shall place upon all freight bills issued by it sufficient information to permit the proper rating of said freight bills from information contained on the face thereof.

3. All operating authority of Valley Livestock Transportation Service, Inc., including both certificates of public convenience and necessity and permits, issued to it by this Commission be, and it is, suspended for a period of five consecutive days commencing at 12:01 a.m. on the second Monday after the effective date of this order.

4. Respondent shall examine its records for the period May 1, 1957 to the effective date of this order for the purpose of ascertaining if any additional undercharges or overcharges, at rates and charges other than those contained in respondent's tariffs filed and in effect at the time, have occurred other than those mentioned in this decision.

5. Respondent is hereby directed to take such action as may be necessary to collect undercharges and refund overcharges, both those set forth in the foregoing opinion and those, if any, found during the examination ordered by paragraph 4 of this order.

6. Within eighty days after the effective date of this order, respondent shall report in writing to this Commission the undercharges and overcharges, if any, found as a result of the examination ordered by paragraph 4 of this order and the results of its efforts to collect undercharges and make reparation for overcharges as required by paragraph 5 hereof. Thereafter, respondent shall submit, in writing, on the first Monday of each month, a report of undercharges and

overcharges remaining to be collected or refunded and the action taken to collect or refund such charges until such charges have been collected or refunded in full or until further order of this Commission.

The Secretary of the Commission is directed to cause personal service of this order to be made on respondent and this order shall be effective twenty days after the completion of such service.

Dated at San Francisco, California, this 30th day of December, 1958.

E. J. Fox
President
W. E. Mitchell
R. E. Lister
W. E. Lister
Th. E. Lister
Commissioners