

ORIGINAL

Decision No. 58083

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into the operations)
rates and practices of H. LeROY)
DAVIS, doing business as DAVIS)
TRUCKING COMPANY.)

Case No. 6190

H. LeRoy Davis, in propria persona.
James S. Eddy, for the Commission staff.

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 57917, dated January 27, 1959, in the above-entitled proceeding, respondent's radial highway common carrier permit was suspended for a period of five days. The respondent misapprehended the language of the order and suspended his operations for five days commencing on the second Monday following service of Decision No. 57917 upon him. Subsequently, he became aware that the suspension period did not begin to run until March 2, 1959.

Although the respondent may have been negligent, Decision No. 57917 will be modified in part to show that the suspension period ordered will be the period that respondent actually suspended his operations. To require two suspensions would be an undue hardship and would result in a double penalty.

Therefore, good cause appearing,

IT IS ORDERED that ordering paragraph 1 of Decision No. 57917 is amended in part to read as follows:

"1. That Radial Highway Common Carrier Permit No. 45-882 issued to H. LeRoy Davis is hereby suspended for five consecutive days starting at 12:01 a.m. on Monday, February 9, 1959."

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

Dated at San Francisco, California, this 2nd day of March, 1959.

E. J. Fox
President

Herbert J. Turner
Ernest W. Page
Commissioners

Commissioner Matthew J. Dooley being necessarily absent, did not participate in the disposition of this proceeding.