

**ORIGINAL**Decision No. 58087

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)  
 own motion into the operations,  
 rates, and practices of GRIFALL } Case No. 6067  
 BROS. TRUCKING COMPANY, a }  
 California corporation. }

Eugene A. Feise for Calaveras Cement Co., interested  
 party.  
Elmer J. Sjostrom for the Commission's staff.

O P I N I O N

The Commission instituted this investigation on March 3, 1958. After various postponements, occasioned principally by the uncertainties of respondent's financial condition, a public hearing was held at San Francisco on September 3, 1958 before Examiner John Power and the matter was submitted. Respondent made no appearance.

Respondent has a radial highway common carrier permit and a highway contract carrier permit. The transportation here in issue was performed under the radial highway common carrier permit. It appears from the evidence that a representative of the Commission's enforcement branch made an investigation at respondent's office, beginning in July 1957. He examined the documents which covered 182 shipments. From 144 of these, he selected 32 as typical. Copies of the documents in the 32 selected transactions were introduced in evidence and formed the basis of the staff showing.

Four of the shipments resulted in undercharges being made. Other violations included failure to assess charges based on gross weight of shipments, failure to properly compute distances, failure to properly complete required shipping documents, and failure to comply with rules for the application of rates. Minimum Rate Tariffs

Nos. 2 and 7 were the ones violated, with most violations being of  
Tariff No. 7.

The Commission finds and concludes as follows:

1. That all minimum rate orders and amendments thereof applicable to the transportation inquired into in this proceeding were served on respondent.

2. That the matters and things set forth in Exhibit No. 40 in evidence herein, as corrected in the oral testimony by witness Scholz, are true and correct.

3. That respondent has violated Sections 3664, 3667 and 3737 of the Public Utilities Code.

It appears from the Commission's records that respondent's permits were suspended on June 2, 1958, reinstated on August 4, 1958, and revoked on December 31, 1958. Revocation was the result of failure to file required reports and to pay necessary fees. For that reason, revocation of respondent's radial highway common carrier and highway contract carrier permits will continue until further order of the Commission.

O R D E R

Investigation having been instituted, public hearing having been held and the Commission basing its decision on the findings set forth in the foregoing opinion,

IT IS ORDERED that:

1. Grifall Bros. Trucking Company, a corporation, cease and desist from violations of the Public Utilities Code.

2. The radial highway common carrier permit No. 43-3595 and the highway contract carrier permit No. 43-3661, issued to respondent by this Commission on the 4th day of January 1955 and revoked on December 31, 1958, shall not be re-issued without a

written application therefor and a further order of this Commission.

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

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

[Signature]  
President

[Signature]  
[Signature]  
Commissioners

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