

ORIGINAL

Decision No. 58165

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates, and practices of S. W. SLONEKER and W. J. COON, copartners, doing business as C & S TRUCKING COMPANY, a copartnership.

Case No. 6137

Francis X. Vieira, for respondents.

Karl K. Roos, for the Commission staff.

O P I N I O N

On June 24, 1958, the Commission issued an order instituting an investigation into the operations, rates and practices of S. W. Sloneker and W. J. Coon, doing business as C & S Trucking Company.

A public hearing was held before Examiner Thomas E. Daly on February 24, 1959, at San Francisco and the matter was submitted.

The record indicates and the Commission so finds that respondents are associated with Hickinbotham Bros., a Stockton company engaged in the processing and handling of industrial steel and hardware; that respondents formed the C & S Trucking Company, a contract carrier, and through the use of two flat-bed trucks have performed the transportation services of Hickinbotham Bros. and in addition have performed transportation services for several other steel companies located in the Stockton area; that an investigation of respondents' records by representatives of the Commission's Transportation Division disclosed thirty-five occasions where

respondents failed to comply with the minimum rates, which resulted in undercharges amounting to \$766.26; that in certain instances undercharges were occasioned because respondents consolidated shipments without complying with the provisions of Item 85-A of Minimum Rate Tariff No. 2 and in other instances because they failed to indicate on the shipping documents that said shipments were loaded and unloaded by power as required by Item No. 240-K of Minimum Rate Tariff No. 2; that although such violations were termed as "highly technical" and respondents professed ignorance of the requirements set forth in Items 85-A and 240-K, they had in their possession during the period covered by the shipments herein considered copies of the applicable minimum rate tariffs; that since said violations were brought to their attention respondents have employed the services of a traffic consultant for the purpose of rating all of their shipments.

Respondents will be directed to cease and desist from the collection of charges not authorized. Respondents' operating authority will be suspended for three days, and they will be directed to collect the undercharges set forth in Appendix A attached hereto.

O R D E R

The Commission having instituted investigation herein, public hearing having been held, and the Commission being informed in the premises,

IT IS ORDERED:

1. That S. W. Sloneker and W. J. Coon, doing business as C & S Trucking Company, cease and desist from charging, demanding,

collecting or receiving a lesser compensation for the transportation of property than the applicable charges prescribed in Minimum Rate Tariff No. 2.

2. That Contract Carrier Permit No. 39-2868 issued to respondents is hereby suspended for a period of three consecutive days beginning at 12:01 a.m. on the second Monday following the effective date of this order.

3. That respondents shall post in their terminal and station facilities used for receiving property from the public for transportation, not less than five days prior to the beginning of the suspension period, a notice to the public stating that their operating authority under their permit has been suspended by the Commission for the period of three days.

4. That respondents shall examine their records for the period from January 1, 1958 to the present time for the purpose of ascertaining if any additional undercharges have occurred other than those mentioned in this decision.

5. That within ninety days after the effective date of this decision, respondents shall file with the Commission a report setting forth all undercharges found pursuant to the examination hereinabove required by paragraph 4.

6. That respondents are hereby directed to take such action as may be necessary, including legal proceedings, to collect the amounts of undercharges set forth in the attached Appendix A, together with any additional undercharges found after the examination required by paragraph 4 of this order, and to notify the Commission in writing upon the consummation of such collections.

7. That, in the event charges to be collected as provided in paragraph 6 of this order, or any part thereof, remain uncollected one hundred twenty days after the effective date of this order, respondents shall file with the Commission, on the first Monday of each month, a report of the undercharges remaining to be collected and specifying the action taken to collect such charges and the result of such, until such charges have been collected 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 upon respondents and the effective date of this order shall be twenty days after the completion of such service upon the respondents.

Dated at San Francisco, California, this 24<sup>th</sup> day of March, 1959.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners

## APPENDIX A

<u>Freight Bill Number</u>	<u>Rates Charged</u>	<u>Rates That Should Have Been Charged</u>	<u>Amount of Undercharges</u>
03466	\$ 67.76	\$ 80.48	\$12.72
03467	70.08	83.22	13.14
7099	53.52	73.60	20.08
03469	71.36	84.74	13.38
7087	49.06	61.32	12.26
03414	74.41	79.06	4.65
03110	51.63	64.54	12.91
7094	16.22	45.63	29.41
03372	15.98	48.60	32.62
03119	22.18	63.00	40.82
7096	52.42	70.91	18.49
03137	51.55	63.68	12.13
03129	10.30	42.00	31.70
03142	47.16	63.00	15.84
03111	20.65	59.02	38.37
03127	36.65	60.00	23.35
03112	33.86	60.00	26.14
03107	51.05	60.07	9.02
03301	154.75	189.12	34.37
03060	134.63	140.34	5.71
3100-4839	9.95	41.54	31.59
3100-4985	51.80	67.04	15.24
3100-4999	51.87	73.23	21.36
3100-4498	25.33	60.00	34.67
3100-4525	19.89	56.86	36.97
1785	40.48	68.53	28.05
3100-4128	53.45	66.81	13.36
3100-3711	57.35	67.47	10.12
3100-3720	23.38	60.00	36.62
3100-3748	36.98	60.00	23.02
3100-3620	17.44	49.86	32.42
44103	26.21	42.00	15.79
03461	90.63	107.88	17.25
7092	27.55	46.34	18.79
03116	70.32	94.22	23.90