

**ORIGINAL**

Decision No. 59007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates and practices of VERNON LIVESTOCK TRUCKING CO., a corporation.

Case No. 6264

C. W. L'Ecluse, for Vernon Livestock Trucking Co., respondent.  
Edward G. Fraser, for the Commission staff.

O P I N I O N

This Commission on May 5, 1959, issued an order of investigation into the operations, rates and practices of Vernon Livestock Trucking Co., a corporation, which is engaged in the business of transporting livestock over the public highways for compensation as a radial highway common carrier and a highway contract carrier. Pursuant to said order public hearings were held on June 18, 1959, at Los Angeles, before Examiner Wilson E. Cline, at which time evidence was presented and the matter was taken under submission.

Purpose of Investigation

The purpose of this investigation is to determine whether respondent violated Sections 3664, 3667 and 3737 of the Public Utilities Code of this State by charging, demanding, collecting or receiving lesser compensation for the transportation of livestock than the applicable charges prescribed by Minimum Rate Tariff No. 3-A and by failing to adhere to the provisions of said tariff, particularly Items 11, 60, 130, 140, 150, 170, 250 and 251 thereof, all as more specifically set forth in the said order instituting investigation.

Findings and Conclusions

Upon the evidence of record the Commission finds:

That all applicable minimum rate orders were served upon

respondent prior to the undercharges hereinafter noted.

That respondent assessed and collected charges less than the applicable minimum charges prescribed in Minimum Rate Tariff No. 3-A which resulted in undercharges as follows (from Exhibits Nos. 5 and 6):

<u>Respondent's Freight Bill Number</u>	<u>Date</u>	<u>Amount of Undercharge</u>
1044	11/ 2/57	\$60.33
1059	11/ 5/57	17.60
1178	11/20/57	10.99
1187	11/25/57	9.26
1839	3/ 6/58	6.16
1923	3/16/58	42.91
1890	3/11/58	79.12
1947	3/19/58	10.50
2036	4/ 3/58	9.25
2038	4/ 7/58	6.74
2141	4/17/58	10.00
2133	4/21/58	11.57
2220	5/ 4/58	42.03
2249	5/ 5/58	69.82
2247	5/ 7/58	95.64
2296	5/14/58	4.66
2301	5/14/58	75.02
2327	5/15/58	15.62
2352	5/20/58	18.29
2331	5/20/58	6.04
2325	5/20/58	19.06
2340	5/22/58	62.26
1728	2/13/58	62.45
2103	4/15/58	<u>2.99</u>
Total		\$808.31

That in the performance of various transportation services hereinabove set forth and as more particularly appearing in Exhibits Nos. 5 and 6 of record herein, respondent has violated or failed to comply with the provisions of Minimum Rate Tariff No. 3-A in that it: (1) failed in some instances to obtain a public weighmaster's certificate and to properly notify the Secretary of this Commission as provided in Item 130 and in said cases, failed to base charges as provided in Items 150 and 140; (2) failed to rate shipments separately as provided by Item 60; and (3) failed to execute a proper agreement for carriage and to issue a freight bill in

accordance with the provisions of Items 250 and 251.

The Commission having found the facts as hereinabove set forth and concluding that respondent Vernon Livestock Trucking Co., a corporation, has violated Sections 3664, 3667 and 3737 of the Public Utilities Code, and the provisions and requirements of certain items of Minimum Rate Tariff No. 3-A as set forth in the preceding paragraph, makes its order as follows:

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. All operating authority of Vernon Livestock Trucking Co., 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.
2. Respondent shall post at its 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 its radial highway common carrier permit and highway contract carrier permit have been suspended by the Commission for a period of five days; that within five days after such posting respondent shall file with the Commission a copy of such notice, together with an affidavit setting forth the date and place of posting thereof.
3. Respondent shall examine its records for the period from June 1, 1958 to the present time for the purpose of ascertaining if any additional undercharges have occurred other than those mentioned in the decision.

4. Respondent shall take such action as may be necessary to collect undercharges, both those set forth in the foregoing opinion and those, if any, found during the examination ordered by paragraph 3 of this order.

5. Within ninety days after the effective date of this order, respondent shall report in writing to this Commission the undercharges, if any, found as a result of the examination ordered by paragraph 3 of this order and the results of its efforts to collect undercharges as required by paragraph 4 hereof. Thereafter, respondent shall submit, in writing, on the first Monday of each month, a report of undercharges remaining to be collected and the action taken to collect such charges, 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 on respondent and this order shall be effective twenty days after the completion of such service.

Dated at San Francisco, California, this 15<sup>th</sup> day of September, 1959.

[Signature]  
 President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Theodore H. Jenner, being necessarily absent, did not participate in the disposition of this proceeding.