

ORIGINAL

Decision No. 59323

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
motion into the operations, rates and
practices of MERCHANTS EXPRESS OF
CALIFORNIA, a California corporation.

Case No. 5903

Investigation on the Commission's own
motion into the operations, rates and
practices of MERCHANTS EXPRESS CORPO-
RATION, a California corporation.

Case No. 5904

FIRST SUPPLEMENTAL ORDER

On April 15, 1958, the Commission issued Decision No. 56553 in the above-entitled cases, wherein it ordered Merchants Express of California, among other things, to make certain examinations of freight bills, collect certain undercharges, and file certain reports with the Commission relative to the collection of such undercharges. In particular, paragraph 8 of the order contained in that decision provided that Merchants Express of California shall submit to the Commission on the first Monday of each month a report of the undercharges remaining to be collected by the company and specifying the action taken to collect such charges and the result of such action until such charges have been collected in full or until further order of the Commission.

Merchants Express of California, on October 9, 1959, filed a Petition for Modification with the Commission. This petition recites that certain of the undercharges referred to in paragraph 8 of the original order remain uncollected to date; that the petitioner has instituted action in the appropriate courts for collection on the majority of the claims and contemplates instituting further action on two additional claims in the near future; and that the matters which

are the subject of litigation will consume substantial periods of time in prosecution. The petitioner has requested that paragraph 8 of the original order be modified to provide that the petitioner can render its report concerning the status of the undercharges on a semiannual basis, rather than monthly. The petitioner alleges that semiannual reports will adequately and sufficiently inform the Commission of the status of the various claims.

It is the Commission's conclusion that this petition should be granted. Now, therefore,

IT IS ORDERED that paragraph 8 of the order contained in Decision No. 56553 be modified to read as follows:

"(8) That in the event charges to be collected as provided in paragraph 7 of this order, or any part thereof, remain uncollected at the date hereof, Merchants Express of California, or its attorneys, shall submit to the Commission, on the first Monday of the months of January and July, a report of the undercharges remaining to be collected and specifying the action taken to collect such charges and the result of such action, until such charges have been collected in full or until further order of the Commission."

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

Dated at San Francisco, California, this 1st day of December, 1959.

[Signature]
President
[Signature]
[Signature]
[Signature]
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.