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Decision No. 61016

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates and practices of MILES MOTOR TRANSPORT SYSTEM.	)))))	Case No. 6203

SUPPLEMENTAL ORDER

In this proceeding Miles Motor Transport System is petitioning the Commission to modify its Decision No. 59109 with respect to a portion of the order therein requiring the collection of certain undercharges. Petitioner alleges that Fibreboard Products, Inc., the shipper in question, refuses to pay undercharges on two shipments carried by the petitioner and found to be, in said Decision No.59109, in violation of the carrier's published tariff because the Commission in a subsequent case, Commission Investigation of Marino Brothers Trucking, Decision No. 59892, dated April 5, 1960, in Case No. 6342, appears to have interpreted Minimum Rate Tariff No. 8 in such a manner that the contentions of the respondent in the Miles Motor Transport System case are confirmed. Thus, in effect, it is claimed the interpretation applicable to Minimum Rate Tariff No. 8 should apply to the petitioner's published highway common carrier tariff. If such interpretation is made it is claimed that no undercharges occurred as to the Fibreboard Products, Inc.'s transportation. These two cases are not similar as to the facts or the law and therefore can be distinguished.

The differences in these two cases are discussed in detail in Decision No. 60895, dated October 18, 1960, in Case No. 5432 (Petition No. 187) and Case No. 5438 (Petition No. 21). It is not necessary to repeat that discussion herein. Accordingly, the petition to modify that part of the order of Decision No. 59109 requiring collection of undercharges will be denied.

O R D E R

The Commission being fully advised therein and being of the opinion that the petition should be denied,

IT IS ORDERED that the petition for modification be and it is hereby denied.

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

Dated at San Francisco, California, this 7th day of NOVEMBER, 1960.

President

Commissioners