

Decision No. 61237

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into the operations,)
rates and practices of C. A. WALLACE)
TRUCKING, INC., a California corpora-)
tion.)

Case No. 6544

W. C. Bricca, for the Commission staff.
A. R. Kerstetter, for respondent.

O P I N I O N

By its order signed June 20, 1960, the Commission issued an order instituting an investigation into the operations, rates and practices of C. A. Wallace Trucking, Inc. A public hearing was held before Examiner Thomas E. Daly on November 2, 1960, at Madera.

Respondent operates as a highway contract carrier and as a radial highway common carrier. On October 15 and 16, 1959 and again on January 27, 1960, a representative of the Commission examined respondent's record and took therefrom the underlying documents relating to 38 shipments. Copies of these documents were received in evidence as Exhibit No. 1. A summary of this shipping data was prepared by a Commission rate expert and was received in evidence as Exhibit No. 2. The exhibit indicates that with each of the 38 shipments respondent charged less than the minimum rates. Respondent stipulated that the information set forth in Exhibit No. 2 was true and correct. The undercharges total \$1,998.26.

Respondent will be directed to cease and desist from the collection of charges not authorized. Respondent's operating authority will be suspended for five days and it 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 C. A. Wallace Trucking, Inc., 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 Highway Contract Carrier Permit No. 10-4646 and Radial Highway Common Carrier Permit No. 10-2636 issued to respondent are hereby suspended for a period of five consecutive days beginning at 12:01 a.m. on the second Monday following the effective date of this order; and that it shall not lease the equipment or other facilities used in operations under these permits for the period of the suspension or directly or indirectly allow such equipment or facilities to be used to circumvent the suspension.
3. That respondent shall post in 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 operating authority under its permits has been suspended by the Commission for the 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.
4. That respondent shall examine its records for the period from January 1, 1960 to the present time for the purpose of ascertaining if any additional undercharges have occurred other than those mentioned in this decision.

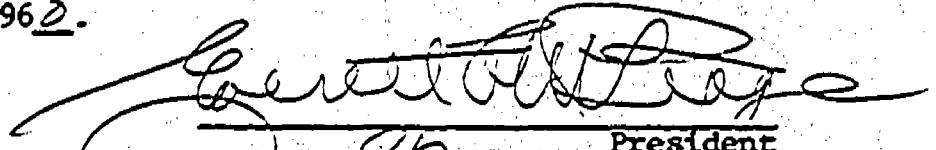
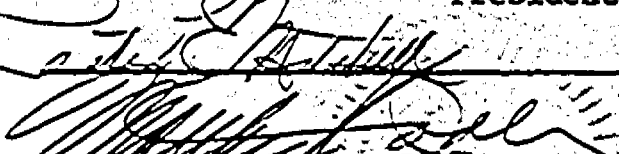
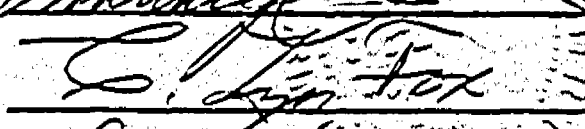

5. That within ninety days after the effective date of this decision, respondent shall file with the Commission a report setting forth all undercharges found pursuant to the examination hereinabove required by paragraph 4.

6. That respondent is 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, respondent shall institute legal proceedings to effect collection and shall file with this 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 respondent and the effective date of this order shall be twenty days after the completion of such service upon the respondent.

Dated at San Francisco, California, this 30th day of December, 1962.


President



Commissioners

APPENDIX A

<u>Frts. Bill No.</u>	<u>Rates Charged</u>	<u>Rates That Should Have Been Charged</u>	<u>Amounts of Undercharges</u>
4773	\$316.80	\$336.81	\$ 20.01
4483	292.56	336.43	43.87
4876	300.48	375.94	75.46
4484	290.54	375.63	85.09
4774	265.35	305.11	39.76
4533	277.56	319.20	41.64
4778	280.20	322.23	42.03
4779	294.72	338.92	44.20
4536	296.04	336.00	39.96
4488	256.57	355.59	99.02
4489	301.08	375.94	74.86
4839	304.20	370.44	66.24
4880	288.30	325.38	37.08
4539	224.77	284.89	60.12
4840	224.64	284.76	60.12
4491	301.08	336.21	35.13
4841	274.45	300.00	25.55
4541	281.89	339.08	57.19
4543	264.30	370.00	105.70
4545	268.06	360.52	92.46
4498	155.28	168.98	13.70
4884	309.48	371.14	61.66
4546	252.45	321.19	68.74
4547	289.56	361.83	72.27
4551	268.08	299.36	31.28
4885	267.60	338.85	71.25
4730	292.08	326.16	34.08
4548	283.41	367.41	84.00
4731	302.84	322.94	20.10
4549	279.72	364.81	85.09
4550	249.15	316.98	67.83
4734	304.72	321.34	16.62
4887	311.55	369.04	57.49
4888	268.27	288.37	20.10
4847	305.70	342.10	36.40
4890	303.78	339.94	36.16
3965	311.62	347.52	35.90
3969	267.80	308.90	41.10