

62506

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of HENRY STOVALL, doing business)
as HENRY'S FREIGHT LINES, for a) Application No. 42530
certificate of public convenience)
and necessity to extend highway)
common carrier service.)

OPINION AND ORDER

Henry Stovall operates as a highway common carrier generally between points located in the San Joaquin and Sacramento Valleys. He also holds permits to operate as a radial highway common carrier and a highway contract carrier.

A review of this carrier's records made by the Transportation Division staff disclosed 103 collect-on-delivery (C.O.D.) shipments with C.O.D. amounts totaling in excess of \$9,438.25, which were handled by the aforesaid carrier between May 1, 1961 and August 8, 1961, and on which the C.O.D. amounts have not been remitted to the person or persons to whom such amounts are due as prescribed by General Order No. 84C.

It appears, and the Commission finds, that the failure of Henry Stovall to remit C.O.D. amounts as hereinabove indicated results in violations of the Commission's General Order No. 84C.

In view of all of the circumstances, including the violations hereinabove found, the Commission is of the opinion and finds that Henry Stovall (1) should be required to remit all unremitted C.O.D. monies without further delay; (2) should

be directed to cease and desist from handling any C.O.D. shipments unless and until otherwise ordered by the Commission; and (3) should be required to cause to be canceled his participation in all tariffs rules for the handling and remitting of C.O.D. amounts and in their stead to publish a rule or rules in his tariff and tariffs to which he is a party stating that he does not handle C.O.D. shipments,

Therefore, good cause appearing,

IT IS ORDERED that:

(1) Henry Stovall is hereby directed to remit forthwith to the parties entitled thereto all unremitted monies he has collected on collect-on-delivery shipments.

(2) Henry Stovall shall report to the Commission when all remitted C.O.D. monies he has collected has been remitted.

(3) In the event that any C.O.D. monies remain unremitted on September 22, 1961, Henry Stovall shall report to the Commission the amount of money due on each C.O.D. shipment for which remittance has not been made, the name and address of each person to whom such an amount is due and the reason remittance has not been made in each case, and thereafter Henry Stovall shall make on the first and fifteenth day of each month a similar report to the Commission until all C.O.D. monies have been remitted.

(4) Henry Stovall shall cease and desist from handling any C.O.D. shipments unless and until otherwise ordered by the Commission.

(5) Henry Stovall is hereby directed to cause to be published within ten days from the effective date hereof, on not less than two days' notice to the Commission and the public, in his tariff and/or tariffs to which he is a party, provisions stating that he will not accept C.O.D. shipments.

(6) The Secretary of the Commission is directed to cause personal service of this order to be made on Henry Stovall.

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

Dated at San Francisco, California, this 29th day of August, 1961.

President

Commissioners