

ORIGINALDecision No. 63262

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
 motion into the operations, rates and
 practices of WILLIAM C. WHITE, doing
 business as INTER-VALLEY TRANSPORTATION.

Case No. 7101

George C. Coleman, for respondent.
Elmer Slostrom, for the Commission staff.

O P I N I O N

This proceeding was instituted by the Commission on its own motion to determine whether respondent White had violated Sections 3667 and 494 of the Public Utilities Code by charging less than the applicable rates for certain transportation performed.

A duly noticed public hearing was held in Fresno on June 29, 1961, before Examiner Rowe at which evidence was adduced and the matter submitted.

It is clear from the record that rate violations occurred. Respondent testified that he transferred all of his equipment, facilities and rights to a Mr. Peter Pavich, who thereafter purported to operate transportation service under a power of attorney from respondent. The latter alleges that all violations resulted from the operations conducted by Pavich. During the time the transportation in question was being performed a joint application was filed with the Commission by White and Pavich for authority for the former to transfer his operative rights and equipment to the latter. Before the Commission acted thereon, Mr. Pavich requested dismissal, so the application, No. 41999, was dismissed.

Respondent had no authority from this Commission to transfer his operative rights to Pavich. Delegation to the latter, as his agent, did not absolve White from responsibility, although he was not actively supervising the business.

The operative rights of White were suspended by the Commission on September 20, 1961, for failure to maintain tariffs and classifications in effect. Commission staff investigation disclosed that respondent White had performed no highway common carrier service since April 25, 1961.

Subsequently, on December 12, 1961, by Decision No. 62929, in Application No. 40164, the operative rights of William C. White were revoked for the reasons that he had abandoned highway common carrier operations and had failed to maintain in effect the required tariffs and classifications.

Although the evidence in this investigation establishes that respondent violated certain provisions of the Public Utilities Code, no penalty will be imposed upon him because of the prior revocation of his operative authority and his cessation of operation. The investigation will be discontinued.

O R D E R

Public hearing having been held, evidence adduced, the matter submitted and considered by the Commission,

IT IS ORDERED that the investigation in Case No. 7101 is discontinued.

Dated at San Francisco, California, this 13th day of FEBRUARY, 1962.

W. L. ...
President
...
...
Fredrick B. Holoboff

Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.