

**ORIGINAL**Decision No. 65393

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
 on the Commission's own motion )  
 into the operations, rates and )  
 practices of PACIFIC MOLASSES COM- )  
 PANY, a corporation, and PACIFIC )  
 MOLASSES TRANSPORT COMPANY, a )  
 corporation. )

Case No. 7490

Orrick, Dahlquist, Herrington & Sutcliffe by  
Robert A. Keller, for respondents.  
 Richard A. Bennett, for West Coast Freight  
 Tariff Bureau, Inc., interested party.  
 Elmer Sjostrom and Frank O'Leary, for the  
 Commission staff.

O P I N I O N

On November 27, 1962, the Commission instituted its investigation into the operations, rates and practices of Pacific Molasses Company, a corporation, and Pacific Molasses Transport Company, a corporation.

Pursuant to the order instituting investigation, public hearing was held before Examiner Porter, at San Francisco, on March 13, 1963, on which date the matter was submitted.

The purpose of the order is to determine whether respondents have violated Section 3667 of the Public Utilities Code by charging, demanding, collecting or receiving a lesser compensation for the transportation of property than the applicable charges prescribed in Minimum Rate Tariff No. 2 and supplements thereto.

The staff selected a review period of January 1962 through June 1962 for Pacific Molasses Company, during which period it transported 56 ratable shipments. For Pacific Molasses Transport Company the period April 1962 through June 1962 was selected and 88 shipments were ratable. Eleven shipments were selected and forwarded

to the Rate Analysis Unit of the Commission and undercharges were found in each instance.

The respondents did not dispute the correctness of the staff rating but presented evidence that a review of their freight bills for the year 1962 had produced additional undercharges and all undercharges had been collected.

The amount collected totaled \$1,046.

It was stipulated that Pacific Molasses Company has a radial highway common carrier permit, a highway contract carrier permit and a city carrier permit; Pacific Molasses Transport Company has a radial highway common carrier permit.

It was further stipulated the respondents have been served with Minimum Rate Tariff No. 2, Distance Table No. 4 and applicable supplements thereto.

Based upon a consideration of the evidence, the Commission finds that:

1. Respondents are engaged in the transportation of property over the public highways for compensation.
2. Respondents assessed and collected charges less than the applicable charges established by this Commission in Minimum Rate Tariff No. 2 in violation of Section 3667 of the Public Utilities Code.

#### O R D E R

IT IS ORDERED that:

1. On or before one hundred twenty days after the effective date of this order, respondents shall pay a fine to the Commission in the sum of \$750 each.
2. If respondents have not complied with this order by paying said fine within the time designated, the Commission shall institute appropriate action against respondents to collect said fines.

The Secretary of the Commission is directed to cause personal service of this order to be made upon the respondents.

The effective date of this order shall be twenty days after the completion of such service.

Dated at San Francisco, California, this  
14<sup>th</sup> day of May, 1963.

Henry H. Thorer  
President  
John C. Mitchell  
Frederick B. Halasoff  
William W. Burnett

Commissioner Everett C. McKee, being  
necessarily absent, did not appear  
in the disposition of this proceeding.