

Decision No. 65862**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations,
rates, charges and practices of
FORTIER TRANSPORTATION COMPANY, a
corporation; and FREBRO INC., a
corporation.

Case No. 7425

ORDER MODIFYING DECISION

FORTIER TRANSPORTATION COMPANY, a corporation, having filed a petition requesting that the Commission modify and amend Decision No. 65010, and the Commission having considered said petition and each and every allegation therein, and being of the opinion that said Decision No. 65010 should be amended as ordered herein,

IT IS ORDERED that Decision No. 65010 is hereby amended as follows:

1. Ordering paragraph 3 (page 10 of said decision) is amended to read as follows:

"Respondent Fortier Transportation Company is hereby directed to examine its records for the period from February 1, 1961, through August 31, 1961, for the purpose of determining whether improper rates have been charged, and to return to the shippers or consignees concerned that portion of any rates charged which are in excess of the authorized rates in the applicable highway common carrier tariffs participated in by the respondent."

2. Ordering paragraph 5 (page 10 of said decision) is amended to read as follows:

"Respondent Fortier Transportation Company shall examine its records for the period from February 1, 1961, through August 31, 1961, for the purpose of ascertaining all undercharges that have occurred."

3. Ordering paragraph 6 (page 11 of said decision) is amended to read as follows:

"Within ninety days after the effective date of this amended order, respondent Fortier Transportation Company shall complete the examination of its records required by paragraphs 1 and 2 of this amended order and shall file with the Commission a report stating the action taken to insure compliance therewith."

4. Ordering paragraph 7 (page 11 of said decision) is amended to read as follows:

"Respondent Fortier Transportation Company shall take such action, including legal action, as may be necessary to collect the amounts of undercharges set forth in Decision No. 65010, together with those found after the examination required by paragraph 4 of Decision No. 65010 and of ordering paragraph 2 of this amended decision, and shall notify the Commission in writing upon the consummation of such collections."

5. Ordering paragraph 8 (page 11 of said decision) is amended to read as follows:

"In the event undercharges ordered to be collected by Decision No. 65010 and this amended decision, or any part of such undercharges, remain uncollected one hundred and twenty days after the effective date of this order, respondent shall institute legal proceedings to effect collection and shall file with the Commission, on the first Monday of each month thereafter, a report of the undercharges remaining to be collected and specifying the action taken to collect such undercharges and the result of such action, until such undercharges have been collected in full or until further order of the Commission."

Dated at San Francisco, California, this 17th

day of AUGUST, 1963.

William W. Bennett
President
George G. Grover
Frederick B. Hallock

Commissioners

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