

66027

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates and practices of Maples Trucking Company, Inc., a California corporation.

Case No. 7383

ORDER MODIFYING DECISION NO. 65173

In Decision No. 65173 in Case No. 7383, dated April 2, 1963, respondent was ordered to examine its records for the period from May 1, 1961 to the date of the decision and to collect all undercharges found, also to pay to all subhaulers used during this period the difference between the amount paid to the subhauler and 95 percent of the correct applicable minimum rates. The respondent was further ordered to pay to the Commission a fine of \$5,000 on or before one hundred twenty days after the effective date of the order.

The respondent filed a Petition for Rehearing of Decision No. 65173, on April 11, 1963, which was denied by the Commission on June 18, 1963.

On August 1, 1963 the respondent filed a Petition For Modification of Decision No. 65173 on the basis of extreme hardship and extenuating circumstances. It is alleged that the decision requires the respondent to pay the fine of \$5,000 and possibly the entire \$4,108.37 due to subhaulers long before any legal proceedings

to collect undercharges can be successfully terminated. It is further alleged that litigation will be expensive to the respondent and may not be successful. It is requested that the fine be suspended entirely and the respondent placed on probation, or in the alternative, that the fine be paid in installments of \$25 a month.

It is evident from Decision No. 65173 that the respondent must pay its subhaulers \$95 of every \$100 collected as undercharges. The responsibility for collection and the expense of litigation resulting therefrom remains wholly with the respondent. Due to this fact and the other extenuating circumstances herein, we hereby find that the fine imposed should be reduced to \$1,000. ✓

We conclude that Decision No. 65173 should be modified as provided in the following order.

O R D E R

IT IS ORDERED that ordering paragraph 1 of Decision No. 65173 is amended to read as follows:

1. On or before one hundred twenty days after the effective date of this order, respondent shall pay a fine to the Commission in the sum of \$1,000.

IT IS FURTHER ORDERED that in all other respects Decision No. 65173 shall remain in full force and effect.

The Secretary of the Commission is directed to cause personal service of this order to be made upon respondent. The effective date of this order and of the order in Decision No. 65173, as here modified, shall be twenty days after the completion of such service.

Dated at San Francisco, California, this 17th day of SEPTEMBER, 1963.

William L. Bennett
President
Ed. E. Mitchell
Walter W. King
George H. Grover
Frederic B. Whelpley
Commissioners