

Decision No. 66901**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into the operations,  
rates and practices of GLEN  
CAMPBELL.

Case No. 7749

Glen Campbell, for respondent.Elinore Charles, for the  
Commission staff.O P I N I O N

By its order dated October 22, 1963, the Commission instituted an investigation into the operations, rates and practices of Glen Campbell.

A public hearing was held before Examiner Porter on January 17, 1964 at San Francisco, on which date the matter was submitted.

Respondent presently conducts operations pursuant to Radial Highway Common Carrier Permit No. 8-493. Respondent has a terminal in Healdsburg, California. He owns and operates 11 trucks, 5 tractors and 17 trailers. His gross revenue for the fourth quarter of 1962 and the first three quarters of 1963 was \$323,321.

It was stipulated that respondent had been served with Minimum Rate Tariff No. 2, Distance Table No. 4 and applicable supplements thereto.

The Commission staff selected a review period from August 1, 1962 through March 31, 1963 during which period the respondent transported 450 shipments. Nineteen shipments, which

were representative of approximately 50 similar shipments, were selected and submitted to the Rate Analysis Unit of the Commission with supplemental information as to the rail facilities at the points of origin and destination. A rating of these shipments disclosed undercharges in each instance as shown by Exhibit 3.

Evidence was also introduced that respondent had employed subhaulers without first having filed a bond as required by the Commission.

The respondent testified that his lack of bond was a mistake on the part of his insurance agent and that he now has a bond on file. The respondent further testified that one of the entities responsible for a substantial portion of the transportation charges is in bankruptcy.

After consideration the Commission finds that:

1. Respondent operated pursuant to a radial highway common carrier permit.
2. Respondent was served with appropriate tariffs and distance tables.
3. Respondent assessed and collected charges less than the applicable charges established by this Commission in Minimum Rate Tariff No. 2 which resulted in undercharges as set forth in Exhibit 3 which totaled \$1,482.33.
4. Respondent engaged subhaulers without first having on file with the Commission a bond.

Based upon the foregoing findings of fact the Commission makes the following conclusions:

1. Respondent violated the provisions of Sections 3664 and 3737 of the Public Utilities Code.

2. Respondent violated the provisions of Section 3575 of the Public Utilities Code.

The order which follows will direct respondent to review his records to ascertain all undercharges that have occurred since August 1, 1962 in addition to those set forth herein. The Commission expects that when undercharges have been ascertained, respondent will proceed promptly, diligently and in good faith to pursue all reasonable measures to collect them. The staff of the Commission will make a subsequent field investigation into the measures taken by respondent and the results thereof. If there is reason to believe that the respondent, or his attorney, has not been diligent, or has not taken all reasonable measures to collect all undercharges, or has not acted in good faith, the Commission will reopen this proceeding for the purpose of formally inquiring into the circumstances, and for the purpose of determining whether further sanctions should be imposed.

O R D E R

IT IS ORDERED that:

1. Within twenty days after the effective date of this order respondent shall pay to this Commission a fine of \$1,500.

2. Respondent shall examine his records for the period from August 1, 1962 to the present time, for the purpose of ascertaining all undercharges that have occurred.

3. Within ninety days after the effective date of this order, respondent shall complete the examination of his records required by paragraph 2 of this order and shall file with the Commission a report setting forth all undercharges found pursuant to that examination.

4. Respondent shall take such action, including legal action, as may be necessary to collect the amount of undercharges set forth herein, together with those found after the examination required by paragraph 2 of this order, and shall notify the Commission in writing upon the consummation of such collections.

5. In the event undercharges ordered to be collected by paragraph 4 of this order, or any part of such undercharges, remain uncollected one hundred 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.

The Secretary of the Commission is directed to cause personal service of this order to be made upon the respondent. The effective date of this order shall be twenty days after the completion of such service.

Dated at Los Angeles, California, this 3rd day of MARCH, 1964.

*Charles W. [unclear]* President

*George G. Grover*

*Frederic B. Haloboff*

Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

-4- Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.