

**ORIGINAL**Decision No. 67202

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into the operations,  
rates, charges, and practices of  
CLAYTON GREEN, an individual,  
doing business as G.L.M. EXPRESS.

Case No. 7789

Ronald L. Johnson, Robert Marks and  
Charles Barrett, for the Commission  
staff.

O P I N I O N

By order dated November 26, 1963, as amended on February 4, 1964, the Commission instituted an investigation into the operations, rates, charges and practices of Clayton Green, doing business as G.L.M. Express.

A public hearing was held before Examiner Porter on February 25, 1964, at Los Angeles, on which date the matter was submitted.

Respondent has conducted operations pursuant to Highway Contract Carrier Permit No. 30-3791 which was suspended January 28, 1964 for failure to pay transportation rate fund fees, and has been served with Minimum Rate Tariff No. 2, Distance Table No. 4 and applicable supplements thereto.

The Commission staff presented evidence covering a period of the carrier's operations from July 1, 1962 through January 31, 1963. The underlying documents relating to 18 shipments were taken from respondent's files and submitted to the License and

Compliance Branch of the Commission's Transportation Division. Based upon these data a rate study was prepared and introduced in evidence as Exhibit 7. Said exhibit reflects undercharges in the amount of \$1,091.68.

The primary causes for the undercharges were the application of the wrong commodity classification rates and lack of documentation when performing split pickup or delivery.

Neither Clayton Green nor anyone representing him appeared at the hearing.

Evidence was also presented that respondent was not in California and various methods were used to apprise the respondent as to the fact of the investigation and the time and place of hearing.

Evidence was also presented that respondent was not as of the date of hearing engaged in the transportation business in California.

After consideration the Commission finds that:

1. Respondent operated pursuant to a highway contract carrier permit.
2. Respondent was served with appropriate tariff, distance table and applicable supplements thereto.
3. Respondent charged less than the lawfully prescribed minimum rates in the instances set forth in Exhibit 7, resulting in undercharges in the amount of \$1,091.68.

Based upon the foregoing findings of fact, the Commission concludes that respondent violated Sections 3664, 3667 and 3737 of the Public Utilities Code.

ORDER

IT IS ORDERED that respondent's Highway Contract Carrier Permit No. 30-3791 is revoked.

The Secretary is directed to cause service of a certified copy of this order to be made upon respondent or to mail a certified copy thereof to him at his last known address as shown in the Commission's records. The effective date of this order shall be the twentieth day after such service or after the above mailing to respondent, as the case may be.

Dated at San Francisco, California, this 12<sup>th</sup> day of MAY, 1964.

William A. Bennett  
President

Frederick B. Holoboff

George L. Grover

Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.