

ORIGINAL

Decision No. 67340

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations,
rates, and practices of
W. H. MORSE TRUCKING, LTD.

Case No. 7551

ORDER AMENDING DECISION, DENYING
REHEARING AND SETTING NEW EFFECTIVE DATE

W. H. MORSE TRUCKING, LTD., having petitioned for rehearing of Decision No. 66413, the Commission having considered the petition and each allegation therein, and being of the opinion that no good cause for rehearing has been shown; and,

The Commission having reconsidered Decision No. 66413 on its own motion and finding that Item 296 of Section 3-A of Minimum Rate Tariff No. 7 serves no purpose on the determination of rates or charges under the tariff, and should be canceled in the interest of clarity and tariff simplification; and good cause appearing,

IT IS ORDERED that Decision No. 66413 be modified by striking paragraph 2 of the order fining respondent \$1,000.

IT IS FURTHER ORDERED that the petition for rehearing of Decision No. 66413, as amended, be hereby denied.

The Secretary of the Commission is directed to cause service of this order to be made upon respondent W. H. Morse Trucking, Ltd.

The effective date of this order and of Decision No. 66413, as amended, shall be twenty days after the completion of such service.

Dated at San Francisco, California, this 3rd day of
JUNE, 1964.

William B. Beards
President
George L. Crover
Commissioners

I dissent.

Frederick B. Holshoff

Commissioners

DISSENTING OPINION OF COMMISSIONER HOLOBOFF

I have dissented in this matter because the Commission, on the same day, issued Decision No. 67325, in Case No. 5437, which holds that Item 296 of Minimum Rate Tariff No. 7 "serves no purpose in the determination of rates or charges under the tariff, and will be canceled in the interest of clarity and tariff simplification".

Under the circumstances, the requirement that respondent collect undercharges results in the imposition of a harsh penalty.

Frederick B. Holoboff

Commissioner

JUN 23 1964