

Decision No. 70152

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation
on the Commission's own motion into
the operations, rates and practices
of DENIO BROS. TRUCKING CO., a
Nevada corporation.

Case No. 8124

ORDER AMENDING DECISION NO. 69907

AND DENYING REHEARING

Denio Bros. Trucking Co., a Nevada corporation, having
petitioned for rehearing, and good cause appearing,

IT IS HEREBY ORDERED that Decision No. 69907 is amended by
modifying ordering paragraph 1 to read as follows:

"1. Respondent shall pay a fine of \$3,521.76 to
this Commission in twelve equal payments, the
first to be due on or before the twentieth
day after the effective date of this order,
and each succeeding payment to be due one
month after the due date of the preceding
payment."

Rehearing of Decision No. 69907, as amended herein, is denied.

Dated at San Francisco, California, this 4th

day of JANUARY, 1966.

Frederick B. Hoffmann
President

George T. Crow

Augustus

William L. Blum
Commissioners

I will file a comment
Peter E. Mitchell

COMMISSIONER PETER E. MITCHELL CONCURRING:

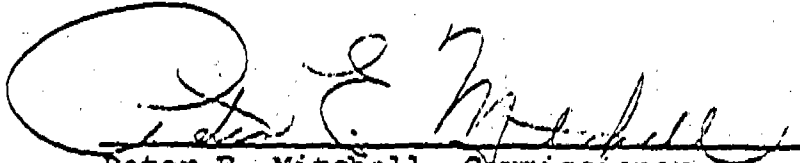
The Petition for Rehearing by the respondent emphasizes the concern I have repeatedly expressed over formal transportation investigations by this Commission (see my dissent in Case No. 8306, dated November 30, 1965)^{1/}. The consequences to the carrier are not always "a fine for the infraction and forgiveness until the future". They may be more grave, as this carrier indicates in his petition:

"The documentation further reflects that gross revenues from for-hire transportation for the year ended May 31, 1965, have plummeted to a level of \$45,151.38. Further, because of the steep decline in earnings it no longer operates four tractors and trailers, but presently operates only two tractors and two trailers. Manifestly, an extreme economic penalty has already been imposed and paid by the respondent as a direct result of these proceedings. As reflected in the transcript of the hearing, as a

^{1/} "The Commission should consider also the consequence of its action on the customers of the carrier. Irrespective of the ultimate outcome of an investigation, the carrier suffers a diminution of business from accounts who fear future involvement in Commission investigations. Indeed, a respondent carrier may be found innocent or receive a de minimus fine as a result of Commission proceedings; yet, because of the adverse reaction of shippers, the carrier will lose its employers and encounter financial hardship."

result of the Commission investigations, the carrier has gained the reputation of having the Commission "down on it", and shippers do not want to use it for that reason. (Tr. 76)"

This Commission should exert its best efforts to insure compliance with minimum rates but in a manner designed to promote the confidence of carriers and shippers alike in the paternalism of the Commission.


Peter E. Mitchell, Commissioner