

ORIGINALDecision No. 71632

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the rates, operations,
and practices of E. L. ALLEN and
R. J. PETERS dba HEIDLEBAUGH TRANS-
PORTATION CO., a partnership.

Case No. 8424

Edward L. Allen, for respondents.
John C. Gilman and J. B. Hannigan,
for the Commission staff.

O P I N I O N

By its order dated May 24, 1966, the Commission instituted an investigation into the operations, rates and practices of E. L. Allen and R. J. Peters, doing business as Heidlebaugh Transportation Co.

A public hearing was held before Examiner Porter on July 13, 1966, at Los Angeles, and the matter was submitted.

Respondents presently conduct operations pursuant to radial highway common carrier, city carrier and highway contract carrier permits. They have a terminal at 1321 West 17th Street, Long Beach, California. As of February 1, 1966, respondents owned and operated six tractors and twenty-three semitrailers. On the average they employ five drivers and one bookkeeper. The operating revenues reported for the last three quarters of 1965 and the first quarter of 1966 amounted to \$367,664.39. Copies of appropriate tariffs were served upon respondents.

A representative of the Commission's License and Compliance Branch visited respondents' place of business and checked their records for the period October 16, 1965 through January 31, 1966. Nineteen shipments were selected as representative of 1,561

shipments. These shipments were not ratable by the rate analysis unit as respondents had not maintained proper shipping documents.

The respondents, represented by Edward L. Allen, testified that the shipping documents were improperly prepared and maintained in that they were incomplete with respect to the information required by the tariffs. Mr. Allen, who is responsible for the office functions of the business, stated that he had become involved in the trucking business approximately four months prior to the preparation of the documents involved. He had no former trucking experience. Upon his entrance into the business there were no personnel transfers or dismissals and he relied upon the office help to continue operating in the manner to which they had been accustomed for the many years they were in the business. Upon being informed of irregularities in the maintenance of shipping documents, immediate steps were taken to correct the matter.

After consideration the Commission finds that:

1. Respondents operate pursuant to Radial Highway Common Carrier Permit No. 19-36509, City Carrier Permit No. 19-39681 and Highway Contract Carrier Permit No. 19-37157.
2. Respondents were served with appropriate tariffs.
3. Respondents violated Sections 3704 and 3737 of the Public Utilities Code by failing to prepare and maintain copies of shipping documents in the form and manner prescribed by Item 93.1 of Minimum Rate Tariff No. 7.

Based upon the foregoing findings of fact the Commission concludes respondents violated Sections 3704 and 3737 of the Public Utilities Code. Respondents' operating authority should be suspended, pursuant to Section 3774 and 4112 of the Code, for a

period of one year with the execution thereof deferred during said one-year period. If, at the end of the one-year period, the Commission is satisfied that respondents are in substantial compliance with the documentation requirement in issue, the suspension will be vacated without further order of the Commission.

The staff of the Commission will make a subsequent field investigation to determine whether respondents are complying with the documentation requirements in issue. If there is reason to believe that respondents are continuing to violate said provisions, the Commission will reopen this proceeding for the purpose of formally inquiring into the circumstances and for the purpose of determining whether the one-year suspension or any further sanctions should be imposed.

O R D E R

IT IS ORDERED that:

1. Radial Highway Common Carrier Permit No. 19-36509, City Carrier Permit No. 19-39681 and Highway Contract Carrier Permit No. 19-37157 issued to R. J. Peters and E. L. Allen, are hereby suspended for a period of one year; provided, however, that the execution thereof is hereby deferred pending further order of this Commission. If no further order of this Commission is issued affecting said suspension within one year from the date of issuance of this decision, the suspension shall be automatically vacated.
2. Respondents shall cease and desist from violating the documentation provisions of the Commission's minimum rate tariffs.

The Secretary of the Commission is directed to cause personal service of this order to be made upon respondents.

The effective date of this order shall be twenty days after the completion of such service on either respondent.

Dated at San Francisco, California, this 24th day of NOVEMBER, 1966.

President

George J. Grover

Fredrick B. Hallock

William W. Bernard

Augustor

Commissioners

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