

Decision No. 71791**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 WALNUT
TRUCKING COMPANY, INC., a
corporation, and HARRY D. RILEY, Jr.,
an individual doing business as
RILEY & SON TRUCKING CO.

Case No. 7897

(Contempt Proceeding)

ORDER AMENDING DECISION NO. 71388
AND DENYING REHEARING

Walnut Trucking Company, Inc., a corporation, William L. Thomas, and David R. Rydbom, having petitioned for rehearing of Decision No. 71388, and the Commission having considered each and every allegation thereof,

IT IS ORDERED that Decision No. 71388 is hereby amended by:

1. Deleting therefrom the first two sentences of Finding 6 on page 6 of the mimeographed decision, which sentences state that Walnut Trucking Co., Inc. did not review its records as required in paragraph 2 of Decision No. 68623, and that there is no evidence of compliance other than the statements of respondents Thomas and Rydbom;

2. Amending the second paragraph on page 7 of the mimeographed decision, which paragraph immediately precedes the

"Judgment and Order," to read:

"The evidence in this record is clear and based on the findings herein set forth, we conclude that Walnut Trucking Co., Inc., William L. Thomas and David R. Rydbom, and each of them, have not filed the report required by ordering paragraph 4 of Decision No. 68623

and that such failure was and is in contempt of the Public Utilities Commission of the State of California and its said order;"

3. Deleting therefrom the first and second ordering paragraphs, which paragraphs taken together adjudge Walnut Trucking Co., Inc., William L. Thomas, and David R. Rydbom guilty of contempt for failing and refusing to examine the records of Walnut Trucking Co., Inc. and order each of them to pay a fine on One Hundred Dollars (\$100).

The respondents are warned, however, that the Commission is not satisfied that they undertook an examination of the company's records with the intention of discovering and paying all the amounts due purported subhaulers pursuant to Decision No. 68623. The question of whether they have done so, and the further questions of what such an examination would have disclosed and of what further action the Commission should take will be the subject of a further inquiry by the Commission.

IT IS FURTHER ORDERED that rehearing of Decision No. 71388, as amended, is denied.

Dated at San Francisco, California, this 29th day of DECEMBER, 1966.

[Handwritten signature]

President
[Handwritten signature: George P. Hoover]

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Commissioners

Commissioner ~~Frederick B. Holeboff~~ did not participate in the disposition of this proceeding.

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