

ORIGINAL

Decision No. 71906

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
motion into the rates, operations, and
practices of MAPLES TRUCKING COMPANY,
INC., a corporation.

Case No. 8525

Phil Jacobson, for respondent.
John C. Gilman and Richard Carlin,
for the Commission staff.

O P I N I O N

By its order dated September 13, 1966, the Commission instituted an investigation into the operations, rates and practices of Maples Trucking Company, Inc.

A public hearing was held before Examiner Porter on October 18, 1966, at Los Angeles and the matter was submitted.

Respondent presently conducts operations pursuant to radial highway common carrier and city carrier permits. Respondent has a terminal at 1200 West Struck Avenue, Orange, California. As of January 11, 1966, it owned and operated one pickup truck; it is in the process of purchasing two sets of hopper bottom trailers. On the average it employs one dispatcher, one bookkeeper, one clerk, and three mechanics. The operating revenue for the four quarters of 1965 amounted to \$1,436,745.44. Copies of appropriate tariffs were served upon respondent.

A representative of the Commission's License and Compliance Branch visited respondent's place of business and checked its records for the period of December 31, 1965, to March 22, 1966.

Twenty-four shipments (Exhibit No. 1) were selected as representative of 300 shipments. These shipments were not ratable by the rate analysis unit as respondent had not maintained proper shipping documents.

The respondent's explanation for the failure to have sufficient information on the shipping documents to compute proper rates was the failure of the subhauler to supply sufficient information to respondent.

After consideration the Commission finds that:

1. Respondent operates pursuant to radial highway common carrier and city carrier permits.
2. Respondent was served with Minimum Rate Tariffs Nos. 7 and 17 with all supplements and additions thereto.
3. Respondent has not properly complied with the documentation provisions provided in Minimum Rate Tariff No. 7.
4. It is the responsibility of the prime carrier to maintain proper documents and documentation so that at all times it may be determined whether applicable minimum rates and charges were assessed.

Based upon the foregoing findings of fact, the Commission concludes respondent violated Sections 3704, 3737, 4044 and 4077 of the Public Utilities Code.

Respondent's operating authority should be suspended, pursuant to Sections 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 the respondent is in substantial compliance with the documentation requirements 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 respondent is complying with the documentation requirements in issue. If there is reason to believe that respondent is 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. 19-34419 and City Carrier Permit No. 13-2384 issued to Maples Trucking Company, Inc., 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. Respondent 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 respondent. The effective date of this order shall be twenty days after the completion of such service.

Dated at San Francisco, California, this 24th day of JANUARY, 1967.

Robert E. McDowell President

William W. Bernick

Attorney

John P. Monsey

Commissioners

Commissioner WILLIAM SYMONS, JR. did not participate in the disposition of this proceeding;