

ORIGINAL

Decision No. 72976

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
motion into the operations, rates, and
practices of JAMES R. HUGHES, dba
CALIFORNIA LUMBER TRANSPORT.

Case No. 8569

O P I N I O N

Decision No. 72622, dated June 20, 1967 in the above-entitled matter, found that respondent charged less than the lawfully prescribed minimum rate for certain transportation resulting in undercharges in the amount of \$3,866.23. Said decision ordered respondent to collect said undercharges and to pay a fine in the amount of the undercharges.

On July 21, 1967, respondent filed a Petition For Abatement Of Fine Imposed By Decision No. 72622. Respondent alleges that he has only \$350 cash, all of which is required to continue operations. Respondent is presently operating two leased trucks and the revenues are barely sufficient to meet operating costs. Respondent further alleges he is diligently attempting to collect the undercharges but as of July 18, 1967 not a single dollar had been recovered.

It is apparent that respondent is not at this time financially able to pay the fine imposed by Decision No. 72622; however, it is also apparent that when respondent collects the undercharges he will be able to apply the collections toward payment of the fine imposed.

The Commission finds that:

1. Respondent is not able to pay the fine imposed by Decision No. 72622 at this time.
2. Respondent should not be relieved of payment of the fine, but should be allowed to pay the fine in installments at such times as undercharges are collected.

The Commission concludes that ordering paragraphs 1 and 2 of Decision No. 72622 should be amended as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Ordering paragraphs 1 and 2 of Decision No. 72622 are amended as follows:
 1. Respondent shall pay a fine of \$3,866.23 to this Commission in the manner set forth in paragraph 2 of this order.
 2. Respondent shall take such action, including legal action, as may be necessary to collect the amounts of undercharges set forth herein. Respondent shall notify the Commission in writing within five days after the collection of any undercharges. The notification shall specify the amount collected and said amount shall be remitted with the notification to the Commission by respondent in full or partial payment of the fine imposed by paragraph 1 of this order.

2. In all other respects Decision No. 72622 shall remain in full force and effect.

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 the date hereof.

Dated at San Francisco, California, this 29th
day of AUGUST, 1967

Robert E. Madell
President

William G. Brown

Margaret

William Brown Jr.

Paul P. Morrissey
Commissioners