

ORIGINAL

Decision No. 73649

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the rates, operations, and practices of ROBERT O. KIKER, JIMMIE DAY and HARRY MITCHELL, co-partners, doing business as DMK TRUCKING CO.

Case No. 8618

FIRST SUPPLEMENTAL ORDER

By Decision No. 72859 dated August 8, 1967, in this proceeding, the Commission, among other things, ordered respondents to collect certain undercharges and to pay a fine of \$1,861.60 including the undercharges. By letter dated December 12, 1967, respondent Robert O. Kiker tenders a check of \$687.00 as partial payment of the fine and states that the partnership has been dissolved and that the partners are temporarily short of funds, and requests allowance to pay the remaining portion of the fine in monthly installments and promises otherwise to comply with the decision in all respects.

By memorandum dated December 15, 1967, the Commission Transportation Division states that it has no objection to the request and recommends that DMK Trucking be permitted to pay the balance of the fine in the amount of \$1,174.60 in seven \$150.00 monthly installments and one final installment of \$124.60, and that it be conditioned so that the balance becomes due and payable within five days after completion of collecting all of the undercharges by respondent.

The Commission has considered the request for part payment of the fine with balance to be paid in monthly installments and finds that the granting thereof will not be adverse to the public interest.

On the basis of this finding we conclude that the request should be granted. A public hearing is not necessary.

IT IS ORDERED that:

1. The offer of respondent Robert O. Kiker for DMK Trucking Co. to pay a fine of \$1,861.60 by tendered check of \$687.00 and balance of \$1,174.60 in seven monthly installments of \$150.00 and final installment of \$124.60 is hereby approved with the condition that the balance becomes due and payable within five days after completion of collecting all of the undercharges.

2. Decision No. 72859 dated August 8, 1967 shall remain in full force and effect except as modified by this order.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 23rd day of JANUARY, 1968.

[Signature]
President
William L. Bennett
[Signature]
William J. Gannon, Jr.
Fred P. Morrissey
Commissioners