

ORIGINAL

Decision No. 75100

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations,
rates and practices of ROBERT V.
SHAFFER.

Case No. 7772
(Filed November 5, 1963)

Russell & Schureman, by R. V. Schureman,
for respondent.
Robert C. Todd and Cromwell Warner, for
Sully-Miller Construction, interested
party.
B. A. Peeters, for the Commission staff.

ORDER OF DISMISSAL

This investigation was instituted on November 4, 1963,
to determine whether respondent by means of a "buy and sell" device
permitted a shipper to obtain transportation at less than applicable
minimum charges in violation of Section 3668 of the Public Utilities
Code.

One of the issues involved in this proceeding was whether
the amount received by respondent from the transactions in issue
equalled the minimum charges prescribed in Minimum Rate Tariff No. 7.
In the event the hourly rates named in said tariff could have been
applied, the record would support an affirmative finding; whereas,
if distance rates only could have been applied, an opposite finding
would be required. A similar issue was involved in a separate
proceeding filed April 8, 1964. Said other matter was finally
terminated this year when rehearing was denied.

Since the transactions involved in the instant proceeding occurred in 1963, it would be meaningless to consider the merits of this proceeding or what affect our holding in said other matter would have on this proceeding.

IT IS ORDERED that Case No. 7772 is discontinued.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 17th
day of DECEMBER, 1968.

William S. Squires, Jr.
President

August
Fred P. Monahan
Commissioners

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