

ORIGINAL

Decision No. 75742

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
 motion into the operations, rates, and
 practices of EDGAR L. KELLY, SR., an
 individual, doing business as CONTINENTAL
 CARGO CARRIERS, and PLYWOOD LOS ANGELES,
 INC.

Case No. 8838

ORDER FURTHER EXTENDING TIME

By letter received May 16, 1969, Edgar L. Kelley, Sr., ^{1/}
 an individual, doing business as Continental Cargo Carriers, requests
 a further extension of time to pay the fine of \$1,717.21 imposed on
 him by ordering paragraph 1 of Decision No. 74955 dated November
 19, 1969. None of said fine has been paid. He states that he will
 attempt to borrow the money using his equipment as collateral and
 that if he is successful, he will immediately pay the amount due.
 If this is not successful, he requests authority to pay the fine
 in installments. He has not specified the number of installments
 he would prefer or the amount he would pay per installment.

The fine was due on or before January 31, 1969. By
 Decision No. 75424 dated March 11, 1969, the time within which the
 fine was required to be paid was extended to April 15, 1969. Ac-
 cording to information furnished by the Commission staff, Kelley
 received a check of \$976.55 on April 15, 1969, in payment of under-
 charges from the respondent shipper involved; the respondent shipper
 credited the remaining amount of the undercharges toward the remain-
 ing balance of money owed to it by Kelley on a truck purchase;

^{1/} This is the correct spelling of said respondent's name.

Kelley has been repeatedly warned by the staff that failure to pay the fine could result in possible further penalties and/or revocation of his operating authority; and Kelley has flagrantly disregarded all warnings. As pointed out in Decision No. 74955, supra, Kelley's operating authority (a radial highway common carrier permit) was placed in voluntary suspension on August 29, 1968, for a one-year period, and all hauling he is presently performing is not over public highways and is, therefore, not subject to regulation.

We have before us a situation in which a respondent carrier has been directed by Commission order to collect undercharges and to pay a fine in the amount of said undercharges. He has collected a substantial amount of the undercharges and has failed to apply said amount towards payment of the fine. He has completely disregarded the Commission directive. Kelley is hereby placed on notice that this action on his part is a serious matter for which sanctions are provided in the Public Utilities Code. While we are reluctant to consider Kelley's request for any additional extension of time to pay the fine in issue, we will allow Kelley until July 7, 1969, to pay the fine. Kelley is further placed on notice that no additional delay in the payment of the fine or authority to pay it in installments will be authorized without good and sufficient reason and that any such request must be made immediately or it will not be considered.

IT IS ORDERED that:

1. The time within which Edgar L. Kelley, Sr., shall pay the fine of \$1,717.21 imposed on him by ordering paragraph 1 of Decision No. 74955 dated November 19, 1968, as amended, is further extended to and including July 7, 1969.

2. No additional extension of time to pay the fine referred to in ordering paragraph 1 hereof or authority to pay said fine in installments will be authorized unless such request has been filed with the Commission on or before July 1, 1969 and said request is supported by good and sufficient reason therefor.

3. In all other respects, Decision No. 74955, as amended, shall remain in full force and effect.

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

Dated at San Francisco, California, this 3rd day of JUNE, 1969.

William J. ...
President
...
...
...
Commissioners