

Decision No. 76624

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
motion into the operations, rates and)
practices of RICHARD B. NICKELL, doing)
business as FAST TRANSPORTATION.)

Case No. 8935

Richard Nickell, for Fast Transportation,
respondent.
Gary L. Hall, Counsel, and J. B. Hannigan,
for the Commission staff.

O P I N I O N

By its order dated July 15, 1969, the Commission instituted an investigation into the rates and practices of Richard B. Nickell, doing business as Fast Transportation.

Public hearing was held before Examiner Porter on August 13, 1969 at Bakersfield.

It was stipulated that respondent had a radial highway common carrier permit and had been served with the applicable tariff.

The staff presented evidence that the carrier had failed to collect payments from shippers within the time periods prescribed in Item 250-A of Minimum Rate Tariff No. 2 and has thereby extended credit beyond the allotted time as set forth therein.

Respondent testified as to his efforts to collect the transportation charges. The respondent was not successful due to the fact that the shippers have either gone bankrupt or are unable to pay at this time.

This situation points out the necessity of strict observance of all tariff rules adopted by this Commission for the protection of the shipping public and carriers.

The Commission finds that:

1. Respondent operates pursuant to radial highway common carrier permit.
2. Respondent was served with the appropriate tariff.
3. Respondent failed to collect payments from shippers within the time periods prescribed in Item 250-A of Minimum Rate Tariff No. 2.

Based upon the foregoing findings of fact, the Commission concludes that Richard B. Nickell violated Section 3737 of the Public Utilities Code and should pay a fine in the sum of \$350.

O R D E R

IT IS ORDERED that:

1. Respondent shall examine his records and proceed diligently to pursue all reasonable measures to collect all transportation charges which have not been collected within the time period prescribed in Item 250-A of Minimum Rate Tariff No. 2.
2. Within ninety days after the effective date of this order, respondent shall complete the examination of records required by paragraph 1 of this order and shall file with the Commission a report setting forth all transportation charges not collected pursuant to that examination.
3. Respondent shall take such action, including legal action, as may be necessary to collect the transportation charges found after the examination required by paragraph 1 of this order, and shall notify the Commission, in writing, upon the consummation of such collections.
4. Respondent shall pay a fine of \$350 to this Commission on or before the twentieth day after the effective date of this order.

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The Secretary of the Commission is directed to cause personal service of this order to be made upon Richard B. Nickell. The effective date of this order shall be twenty days after the completion of such service.

Dated at San Francisco, California, this 30th
day of DECEMBER, 1963.

William J. Quinn
President

J. B. Quinn
John L. Sturgeon
Commissioners