

ORIGINAL

Decision No. 79286

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into the operations,)
rates, charges and practices of)
FRED M. WERT, an individual doing)
business as F. M. Wert Trucking,)
and GREENE'S READY-MIXED CONCRETE)
CO., a California corporation.)

Case No. 9038

ORDER EXTENDING TIME

Ordering paragraphs 2 and 3 of Decision No. 78637, as amended by Decision No. 79125, ordered Fred M. Wert, an individual doing business as F. M. Wert Trucking (Wert), to collect \$15,000 from Greene's Ready-Mixed Concrete Co., a corporation (Greene), and to pay a fine in said amount upon the collection thereof, respectively. Said amount had been found to be a rebate.

A punitive fine of \$2,000 also imposed on Wert has been paid.

By letter dated September 28, 1971, Wert informed the Commission that Greene had paid him \$2,000 and advised him the balance of the aforementioned \$15,000 would be paid to him in monthly installments of \$400. Wert has applied the \$2,000 towards the fine specified in ordering paragraph 2. The letter states that Greene has been required to make substantial improvements in its plant to comply with various pollution regulations; that said improvements are very costly; and that because of this, Greene cannot pay Wert more than the \$400 per month on the remainder due. The letter requests the Commission to authorize payment of the balance of said fine in monthly installments of \$400.

Upon review, we find and conclude that Wert should be authorized to collect and pay the balance of the \$15,000 in monthly installments as provided in the order which follows:

IT IS ORDERED that the balance of the \$15,000 ordered to be collected and paid by ordering paragraphs 2 and 3 of Decision No. 78637, as amended by Decision No. 79125, may be collected and paid in successive monthly installments of not less than \$400 each, except for the last installment which shall be for the remainder then due, with the first installment due on or before December 1, 1971 and each succeeding installment due on or before the first day of each month thereafter until said balance has been paid in full.

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

Dated at San Francisco, California, this 27th day of OCTOBER, 1971.

Chairman

Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.