

Decision No. 79686

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 Beverly
Hills Transfer & Storage Co., a
California corporation, and
A. M. Russo, an individual.

Case No. 9250
(Filed July 27, 1971)

O P I N I O N

Counsel for respondents and counsel for the Commission staff have filed a written stipulation on January 17, 1972 respecting the violations alleged in this proceeding and the proper penalty therefor. A copy of the stipulation is attached hereto as Appendix A. Based upon said stipulation, the Commission finds that there were 53 violations by Beverly Hills Transfer & Storage Co. and concludes that a fine of \$500 is proper for the violations in issue and should be imposed on said respondent.

O R D E R

IT IS ORDERED that:

1. Beverly Hills Transfer & Storage Co., a California corporation, shall pay a fine of \$500 to this Commission on or before the fortieth day after the effective date of this order.
2. Said respondent shall cease and desist violating applicable tariff rules, rates and charges, including Item 155 of Minimum Rate Tariff 4-3.

The Secretary of the Commission is directed to cause personal service of this order to be made upon Beverly Hills Transfer and Storage Co., a California corporation. The effective date of this

order, as to this respondent, shall be twenty days after completion of personal service. The Secretary is further directed to cause service by mail on the other respondent herein. The effective date of this order, as to said other respondent, shall be twenty days after completion of service by mail.

Dated at San Diego, California, this 8th
day of FEBRUARY, 1972.

William Symons Jr. Chairman
John P. ...
James P. ...
... Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

S T I P U L A T I O N

IT IS STIPULATED by and between the undersigned for the Commission's staff and respondents Beverly Hills Transfer & Storage Co., a California corporation, and A. M. Russo, an individual, as follows:

1. The Commission's staff alleges that respondent Beverly Hills Transfer & Storage Co. violated Item No. 155 of Minimum Rate Tariff No. 4-B in connection with fifty-two (52) shipments, identified in Exhibit "A" hereto, as the consequence of which overcharges are due the shippers in order to reduce the charges for the transportation performed to the applicable minimum rates.

2. Respondent Beverly Hills Transfer & Storage Co. has reduced fifty-one (51) of the cited shipments to the applicable minimum rates through the payment of required overcharges in the amount of Thirty-Five Hundred and Forty-Eight Dollars and Fifty-Two Cents (\$3,548.52); one (1) has not been paid by virtue of respondent Beverly Hills Transfer & Storage Co.'s inability to collect any charges from the shipper.

3. Respondent Russo has paid to respondent Beverly Hills Transfer & Storage Co. the applicable rates and charges, as billed by Beverly Hills Transfer & Storage Co., for his move in December, 1969, from Santa Monica to Brentwood.

4. The fine proposed to be paid to the Commission pursuant to Section 5285 of the Public Utilities Code is Five Hundred Dollars (\$500), payable in full for all violations identified in Paragraphs 1, 2 and 3 above.

5. In the event the Public Utilities Commission of the State of California declines to adopt this Stipulation as the basis for its decision herein, said Stipulation shall be void.

Dated: January 7, 1972

/s/ ELMER J. SJOSTROM

ELMER J. SJOSTROM
P.U. Counsel II

Dated: January 12, 1972

/s/ WYMAN C. KNAPP

WYMAN C. KNAPP
Attorney for Respondents

(Exhibit "A" not included herein)