

Decision No. **80716****ORIGINAL**

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
ASBURY TRANSPORTATION CO., a
California corporation, CAL-CUT
PIPE AND SUPPLY, INC., a California
corporation, OIL WELL DIVISION OF
UNITED STATES STEEL CORPORATION, a
Delaware corporation, SHELL OIL
COMPANY, a Delaware corporation,
and WESTERN PIPE AND TUBE CO., a
corporation.

Case No. 9354
(Filed March 28, 1972)

O P I N I O N

This is an investigation on the Commission's own motion into the operations, rates and practices of Asbury Transportation Co., a California corporation (Asbury), for the purpose of determining whether it violated Section 494 of the Public Utilities Code by charging less than applicable published rates named in Western Motor Tariff Bureau Tariff No. 123 (WMTB Tariff 123) in connection with the for-hire transportation of pipe for the respondent shippers named in the above caption.

The matter was set for hearing in Los Angeles on September 13, 1972. Prior to the hearing, the Commission was informed by its staff and Asbury that they would file a stipulation regarding all issues herein. No appearances were made at the hearing, and the matter was submitted subject to the receipt of the stipulation which was filed on October 3, 1972.

Stipulation and Findings

The Commission staff and Asbury stipulated as follows, which we find to be facts:

1. Asbury operates as a highway common carrier and is a party to WMTB Tariff 123.

2. Asbury's main office is located in Vernon. It has terminals at Vernon, Bakersfield, and Crescent City, and its gross operating revenue for the year ending June 30, 1972 was \$409,777.

3. Asbury charged less than applicable tariff rates named in WMTB Tariff 123 in connection with transportation performed for the four respondent shippers in the amount of \$5,099.55.

4. Subsequent to the issuance of the Order of Investigation herein, Asbury has collected all of the undercharges.

5. The Commission's records show no prior violations by Asbury.

Conclusions

The stipulation recommends, and we conclude that:

1. Asbury violated Section 494 of the Public Utilities Code.

2. Asbury should pay a fine pursuant to Section 2100 of the Public Utilities Code in the amount of \$5,099.55, and in addition thereto, it should pay a fine pursuant to Section 1070 in the amount of \$1,000.

3. Asbury should be directed to cease and desist from charging and collecting other than applicable tariff rates and charges.

O R D E R

IT IS ORDERED that:

1. Asbury Transportation Co., a California corporation, shall pay a fine of \$6,099.55 to this Commission on or before the fortieth day after the effective date of this order.

2. Asbury shall cease and desist from charging and collecting compensation for the transportation of property or any service in connection therewith in a different amount than its applicable highway common carrier rates and charges.

The Secretary of the Commission is directed to cause personal service of this order to be made upon Asbury Transportation Co. The effective date of this order, as to Asbury, shall be twenty days after completion of personal service. The Secretary is further directed to cause service by mail of this order to be made upon all other respondents. The effective date of this order, as to these respondents, shall be twenty days after completion of service by mail.

Dated at San Francisco, California, this 14th day of NOVEMBER, 1972.

Vernon L. Stenger
President
William J. Murphy
John J. Whelan
John J. Whelan
Commissioners