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**ORIGINAL**

Decision No. 82149

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own  
motion into the operations, rates and  
practices of COMMANDER INDUSTRIES, INC.,  
a California corporation; CLINT RYSEL,  
an individual, doing business as  
Rysel Lumber Sales; THE KEY CORPORATION,  
a California corporation; PUBLISHERS  
FOREST PRODUCTS, a California  
corporation; J. & M. LUMBER, INC., a  
foreign corporation; JOHN B. TWEEDY,  
an individual, doing business as  
Tweedy Lumber Co.; MARQUART-WOLFE  
LUMBER COMPANY, a California  
corporation, and TRUESTONE CONCRETE  
PRODUCTS, INC., a California  
corporation.

Case No. 9341

ORDER AMENDING DECISION NO. 81357

By Decision No. 81357 dated May 8, 1973, Commander Industries, Inc. (Commander) was directed to collect \$14,019.67 in undercharges from six respondent shippers, including \$1,502.93 in undercharges from The Key Corporation, and to pay a fine in the amount of the undercharges plus a punitive fine of \$1,000. The entire fine of \$15,019.67 was paid by the respondent carrier on June 27, 1973 at which time it informed the Commission that The Key Corporation had gone into bankruptcy and that it had filed a claim for the \$1,502.93 in undercharges in the bankruptcy proceeding. By letter dated October 11, 1973, Commander informed the Commission that the final and entire payment on its claim for \$1,502.93 in the bankruptcy proceeding amounted to \$100.80 and requested that the fine imposed on it by Decision No. 81357 be reduced by \$1,402.13, the difference between the two amounts. A copy of the receiver-trustee's check for the \$100.80 is attached to the letter. We are of the opinion that the request should be granted and that \$1,402.13 should be refunded to Commander.

IT IS ORDERED that:

1. The amount of undercharges Commander Industries, Inc. is directed to collect from The Key Corporation by Ordering Paragraph 2 of Decision No. 81357 is reduced from \$1,502.93 to \$100.80.
2. The \$15,019.67 fine imposed on Commander Industries, Inc. by Ordering Paragraph 1 of Decision No. 81357 is reduced by \$1,402.13 to \$13,617.54.
3. The Secretary of the Commission is directed to refund to Commander Industries, Inc. \$1,402.13 of the fine paid by it pursuant to Ordering Paragraph 1 of Decision No. 81357.
4. In all other respects, Decision No. 81357 shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup>  
day of NOVEMBER, 1973.

William J. Sturgeon President  
[Signature]  
[Signature]  
[Signature] Commissioners

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