

Decision No. 83450

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation of the Commission's  
own motion into the operations,  
rates, charges and practices of  
Bob & Jack Trucking Co., Inc., a  
California corporation, and Loyalty  
Warehouse Corporation, a California  
corporation.

Case No. 9702  
(Filed April 9, 1974)

Silver, Rosen, Fischer, and Stecher,  
by John P. Fischer, Attorney at  
Law, for respondents.  
Vincent V. Mackenzie, Attorney at  
Law, for the Commission staff.

O P I N I O N

A public hearing on the above-entitled investigation was held before Examiner Rogers in San Francisco on July 10, 1974 at which time the respondents and the Commission staff filed a stipulation of facts, Exhibit 1, and the matter was submitted.

The respondents and the Commission staff stipulated, and the Commission finds, that:

1. Respondent Bob & Jack Trucking Co. (Bob & Jack) operates under permits as a radial highway common carrier and highway contract carrier; that it subscribes to and has been served with the applicable minimum rate tariffs; that its principal place of business is in Torrance, California; that at the time of the Commission staff's investigation respondent Bob & Jack operated 10 trucks (van), 6 tractors and 9 trailers from its terminal located on the respondent shipper's premises; that it employed two office employees, 17 drivers, 3 freight handlers and reported a gross operating revenue of \$474,746.40 for the year ending June 30, 1973.

2. During 1973 members of the Commission staff conducted a field investigation into respondent Bob & Jack's regulated operations, rates, charges, and practices, the scope of which is included in the Order Instituting Investigation (OII) of this case.

3. The staff's calculation of the amount of interest applicable to charges for transportation services furnished by Bob & Jack for Loyalty Warehouse Corporation of Commerce, California, which were not collected by respondent Bob & Jack during the credit period permitted by Item 250-A of MRT 2 is \$2,729.52. This calculation is set forth on an exhibit entitled "Bob & Jack Trucking Co., Inc., Accounts Receivable--Loyalty Warehouse Corporation, Listed by Number of Days Late in Payment in Ascending Order," which is attached to the stipulation.

4. Said total amount of interest at the legal rate of 7 percent applicable to said charges uncollected for the transportation services covered by the exhibit following expiration of the permissible credit period until said charges were collected, is \$2,729.52.

5. Bob & Jack should be assessed a fine in the total amount of \$3,229.52, which amount is comprised of a fine in the amount of \$2,729.52 (the amount of the undercharges) pursuant to Section 3800 of the Public Utilities Code, and a fine in the amount of \$500 pursuant to Section 3774 of said Code; respondent Bob & Jack shall cease and desist from charging and collecting compensation for the transportation of property or for any service in connection therewith in a lesser amount than the minimum rates and charges prescribed by this Commission.

Conclusion

Respondent Bob & Jack Trucking Co., Inc. failed to collect transportation charges on transportation performed for Loyalty

Warehouse Corporation within the period specified in Item 250-A of Minimum Rate Tariff 2 in violation of Section 3664 of the Public Utilities Code and should pay as a fine pursuant to Section 3800 of the Public Utilities Code the amount of the undercharges, \$2,729.52 plus a punitive fine of \$500, pursuant to Section 3774 of the Public Utilities Code.

O R D E R

IT IS ORDERED that:

1. Bob & Jack Trucking Co., Inc. shall pay a fine of \$3,229.52 pursuant to Public Utilities Code Sections 3774 and 3800 on or before the fortieth day after the effective date of this order. Bob & Jack Trucking Co., Inc. shall pay interest at the rate of 7 percent per annum on the punitive fine of \$500, such interest to commence upon the day the payment of the fine is delinquent.
2. Bob & Jack Trucking Co., Inc. shall take such action, including legal action, as may be necessary to collect the undercharges set forth in Finding 5, and shall notify the Commission in writing upon collection.
3. Bob & Jack Trucking Co., Inc. shall cease and desist from charging and/or collecting compensation for the transportation of property or for any service in connection therewith in a lesser amount than the minimum rates and charges prescribed by this Commission.

The Secretary of the Commission is directed to cause personal service of this order to be made on respondent Bob & Jack Trucking Co., Inc. and to mail a copy to Loyalty Warehouse Corporation. The effective date of this order shall be twenty days after service on Bob & Jack Trucking Co., Inc.

Dated at Los Angeles, California, this 17<sup>th</sup> day of SEPTEMBER, 1974.

Vernon L. Sturgeon  
President  
William J. Sturgeon, Jr.  
William J. Sturgeon, Jr.  
William J. Sturgeon, Jr.  
William J. Sturgeon, Jr.  
Commissioners