

84688

Decision No. _____

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
BOB DUNBAR, an individual, and
SIERRA MOUNTAIN MILLS, a California
corporation.

Case No. 9521

ORDER EXTENDING TIME

Decision No. 82406 dated January 29, 1974, as modified by Decision No. 83140 dated July 16, 1974 in Case No. 9521, ordered Bob Dunbar (Dunbar) to collect undercharges in the amount of \$22,963.70 from Sierra Mountain Mills, to pay a fine to this Commission in the amount of \$22,963.70 on or before October 14, 1974, and to file monthly reports specifying the action taken to collect the undercharges, until such undercharges have been collected in full or until further order of the Commission. The fine in the amount of the undercharges has not been paid.

By letter dated May 16, 1975, Albert L. Casey of Casey, Dunning and Merritt, attorneys for Dunbar, requested that said orders be modified to provide that respondent Dunbar not be required to pay the \$22,963.70 fine until after the conclusion of the proceedings in Bob Dunbar v Sierra Mountain Mills, Yuba County Superior Court Action No. 24686, which is an action by respondent Dunbar to recover the undercharges, and that since a report every three months will indicate whether respondent Dunbar is proceeding diligently and in good faith to collect the undercharges, he be allowed to file status reports quarterly instead of monthly.

The letter states that the reason for the request is that respondent Dunbar has not had and does not now have funds with which to pay the fine or any part thereof and believes he will not have funds for this purpose in the future until there is a favorable conclusion of the above action.

By memorandum dated May 19, 1975, from J. K. Gibson, Director of Transportation, to Robert Barnett, Chief Examiner, the Commission staff has advised that it has no objection to the requested modifications.

The letter dated May 16, 1975 from Albert L. Casey to the Commission has been made a part of the record as Exhibit No. 7, and the memorandum dated May 19, 1975 from J. K. Gibson, Director of Transportation, to Robert Barnett, Chief Examiner, has been made a part of the record as Exhibit No. 8.

IT IS ORDERED that:

1. Ordering Paragraph 1 of Decision No. 82406, as modified by Ordering Paragraph 2 of Decision No. 83140, is further modified to provide that the fine specified therein shall be paid within thirty days after the Court has issued a final determination in the matter of Bob Dunbar v Sierra Mountain Mills, Yuba County Superior Court, Action No. 24686, which action has been transferred by agreement of the parties from Yuba County to Nevada County Superior Court, Action No. 20061.

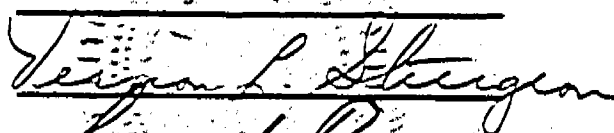
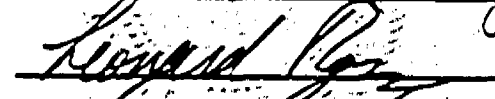
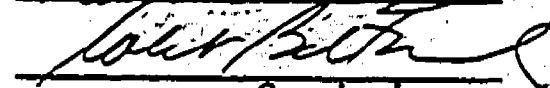
2. Ordering Paragraph 3 of Decision No. 82406, as confirmed by Ordering Paragraph 4 of Decision No. 83140, is amended to provide that the reports specified therein may be filed quarterly with the next report due on or before October 1, 1975.

3. In all other respects Decision No. 82406, as confirmed and modified by Decision No. 83140, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 22nd day of JULY, 1975.


President




Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.