

Decision No. 85311

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 ALTON O. HATLEY, an individual, dba Western Distributors; and B&W Distributing Company, a partnership; Ferrari Bros. Distributing Company; Hanford Bottling Company, a California corporation; Rex Distributing Company; and H&M Distributing Company.

Case No. 9621

ORDER FURTHER EXTENDING TIME

Decision No. 83032 dated June 25, 1974 directed Alton O. Hatley (Hatley), doing business as Western Distributors, to collect undercharges of \$8,062.84, pay a fine in the amount of the undercharges by September 15, 1974, and pay a punitive fine of \$1,000. The punitive fine has been paid. Hatley has filed suit to collect the undercharges and has been granted extensions of time to December 1, 1975 by Decisions Nos. 83996 and 84744 dated January 21 and August 5, 1975, respectively.

By letter dated November 21, 1975 Hatley's counsel requests a further extension of time to pay the fine in the amount of the undercharges and modification of the reporting requirements in Decision No. 83032. The letter states that Hatley has recently retained new counsel; that it is anticipated that the pending litigation will be set for trial during the first part of 1976; and that Hatley is not in a position to pay the undercharge fine until the collections are made.

We find that the request is reasonable and conclude that it should be granted.

IT IS ORDERED that:

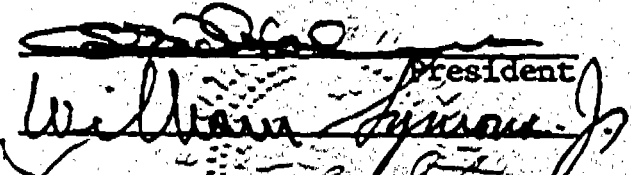
1. The time within which the fine specified in Ordering Paragraph 2 of Decision No. 83032, as amended, is required to be paid is extended to August 31, 1976.

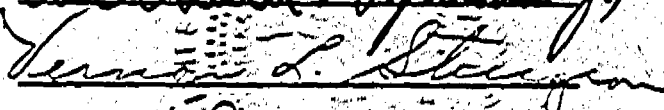
2. The reports required by Ordering Paragraph 4 of Decision No. 83032, as amended, may be filed quarterly rather than monthly.

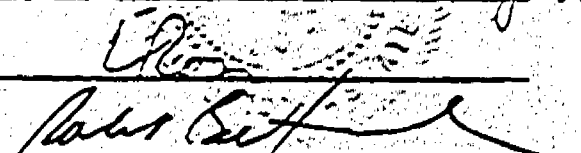
3. In all other respects, Decision No. 83032, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 6th
day of JANUARY, 1976.



President


Vernon L. Sturgeon


Robert G. Smith
Commissioners