

Decision No. 85923

ORIGINAL

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own  
 motion into the operations, rates, and  
 practices of CRAIG A. SCHECKLA, JAMES  
 W. SCHECKLA, TIDEWATER INDUSTRIES, INC.,  
 a corporation doing business as BONNIE  
 SALES CO., CONTAINER COMPONENT CORPORA-  
 TION, a corporation, and OREGON PACIFIC  
 INDUSTRIES, INC., a corporation.

Case No. 9640

ORDER MODIFYING DECISION NO. 82807

Decision No. 82807 dated April 30, 1974 directed Craig A. Scheckla and James W. Scheckla to collect \$5,168.13 in undercharges from three shippers and to pay a fine in the amount of the undercharges plus a punitive fine of \$750. The fines were payable by July 8, 1974. The punitive fine was paid on September 16, 1974. The Schecklas collected \$1,862.70 from one shipper and paid this amount towards the undercharge fine on December 13, 1974. They have not collected \$776.88 in undercharges from Tidewater Industries, Inc., doing business as Bonnie Sales Co., and \$2,528.55 from Oregon Pacific Industries, Inc. and have not paid the balance of the undercharge fine which is the total of these two amounts.

By petition filed April 29, 1976, the Schecklas assert that they have made every attempt short of filing suit to collect the undercharges from the two aforementioned shippers; that they relied on promises of the two shippers to pay and were not aware that the statute of limitations has now run on the undercharges; and that for this reason they no longer have a claim against the

shippers and cannot collect from them or pay the remaining \$3,305.43 due on the undercharge fine. The Schecklas request that they be relieved from paying the balance of the undercharge fine.

The Commission's Transportation Division has advised that it does not oppose the request. It will be granted. However, the Schecklas are each placed on notice that it is his duty to proceed promptly, diligently, and in good faith to pursue all reasonable measures to comply with any and all Commission directives, including directives to collect undercharges, and that any failure in this duty in the future will not be tolerated.

We again repeat our admonition to Tidewater Industries, Inc., doing business as Bonnie Sales Co., and Oregon Pacific Industries, Inc. as stated in Decision No. 82807 that if either company engages in any improper arrangements with permitted carriers or refuses to pay applicable minimum rates and charges for the transportation of their property, they may be in violation of Sections 3669 and 3670 of the Public Utilities Code and could be subject to the penalties specified in Sections 3802 and 3804 thereof.


IT IS ORDERED that:

1. The amount of the fine specified in Ordering Paragraph 2 of Decision No. 82807 is revised to read \$1,862.70.
2. The directives in Ordering Paragraphs 3 and 4 of Decision No. 82807 to collect undercharges from Tidewater Industries, Inc., doing business as Bonnie Sales Co., and Oregon Pacific Industries, Inc. and to file reports in connection therewith are rescinded.

3. In all other respects, Decision No. 82807 shall remain in full force and effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 8th day of JUNE 1, 1976.

  
President  
William Aguirre, Jr.  
Vernon L. Lutz  
Leonard Ross  
Robert Bateman  
Commissioners