

L/ECL:lz

Decision 84 02 043

FEB 1 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's )  
 own Motion into the refusal and )  
 failure of LVJ Leasing, Inc. to )  
 comply with Decision No. 83-06-102.)

OII 82-03-01

ORDER REOPENING INVESTIGATION,  
SUSPENDING HIGHWAY CARRIER AUTHORITY  
AND ORDER TO SHOW CAUSE

LVJ Leasing, Inc., a highway permit carrier doing business at 13347 East Temple Avenue, La Puente, California 91746 was ordered in Commission Decision No. 83-06-102 to pay a fine of \$2,000 to the Commission, to collect undercharges of \$1,600.64 from respondent-shipper Calnex Engineering, Inc., and to compute and remit underpayments to subhaulers. The carrier was further ordered to notify the Commission in writing upon collection and payment, and to file monthly reports of any uncollected undercharges or unremitted subhauler payments. The fine, which was due on August 16, 1983, has not been paid. The first monthly report should have been filed on September 5, 1983; it has not been received. See attached affidavit.

Based on the statements in the attached affidavit the Commission hereby reopens OII 82-03-01. In addition, we hereby suspend the highway carrier permit of LVJ Leasing, Inc. for failure to comply with the provisions of D.83-06-102, pertaining to the collection of undercharges, remission of payments to

subhaulers, and reporting to the Commission. Respondent is placed on notice that during the period of suspension it is unlawful for a highway permit carrier to conduct any operation as such a carrier. P.U. Code, Section 3775.

On February 28, 1984, Respondent may appear and show cause why its permit should not be cancelled or revoked for failure to comply with the terms and provisions of D.83-06-102. Hearing in this matter shall be before Administrative Law Judge John Lemke, or which ever other ALJ may be designated. Hearing shall be in the Commission Courtroom, State Building, 350 McAllister Street, San Francisco, California at 9:30 a.m.

The Executive Director is directed to cause a certified copy of this order to be personally served on Respondent.

This order is effective today.

Dated FEB 1 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO

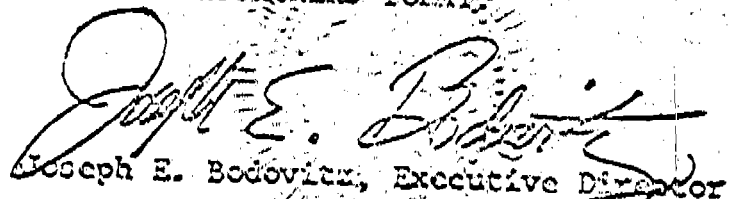
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY

  
Joseph E. Bodovitz, Executive Director

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's )  
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OII 82-03-01

AFFIDAVIT IN SUPPORT OF  
ORDER TO SHOW CAUSE

My name is Paul Wuerstle. I am an associate transportation representative for the Commission.

Respondent L.V.J. Leasing, Inc. was ordered by CPUC Decision No. 83-06-102, dated June 29, 1983, to perform certain acts. Specifically, L.V.J. Leasing, Inc. (hereinafter "LVJ") was ordered to:

1. Pay a fine of \$2000 to the Commission on or before the 40th day after the effective date of the order,
2. Pay 7% annual interest on the fine commencing from the date of any delinquency,
3. Collect undercharges of at least \$1600.64
4. Review its subhaul payments in accordance with the Commission adopted procedures and to pay subhaulers amounts due,
5. Notify the Commission in writing upon collection and payment,
6. Promptly collect the undercharges and pay subhaulers,
7. File reports with the Commission its compliance and attempts at compliance on a monthly basis commencing 60 days after the effective date of the order,
8. Cease and desist from violating the rates and rules of the Commission.

Records maintained by the Executive Director of the Commission indicate that service of the Decision and Order was made on LVJ by personal delivery of a certified copy on James Fredieu, the President of LVJ, on July 7, 1983.

By letter dated September 13, 1983, PUC staff advised LVJ's president, James Fredieu of LVJ's failure to comply with the Decision. Mr. Fredieu has not responded to staff's letter.

A thorough review of the records of the Commission indicates that no payment of fine or remission of undercharges has been received by the Commission. No reports directed by D. 83-06-102 have been received.

I hereby declare under penalty of perjury that the statement in this affidavit are true to the best of my knowledge and belief.

Dated: January 17, 1984

Paul Wuerstle  
Paul Wuerstle  
Associate Transportation  
Representative