

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates and practices of John Aryon, dba Trans-West Service, Alpha Beta Company, and Centennial Mills.

OII 83-11-08
(Filed November 30, 1983;
amended December 20, 1983)

Evelyn C. Lee, Attorney at Law, and
Wilbur J. Anderline, for the
Commission staff.

O P I N I O N

This is an investigation on the Commission's own motion into the operations, rates, charges, and practices of respondent John Aryon, dba Trans-West Service, to determine the following:

- "1. Whether respondent Aryon has violated Sections 3664 and 3667 of the Public Utilities Code by failing to charge and collect the applicable minimum rates and charges set forth in Transition Tariff No. 2.
- "2. Whether respondent Aryon has violated Section 3737 of the Public Utilities Code by failing to pay subhaulers.
- "3. Whether respondent Aryon has violated Sections 3575 and/or 1074 of the Public Utilities Code by failing to file a subhaul bond with this Commission.
- "4. Whether respondent Aryon has violated Sections 582, 702, 3705, and/or 3706, by failing to produce records for examination by a representative of the Transportation Division of this Commission.
- "5. Whether respondent Aryon has violated Sections 493 and 494 by failing to file a tariff of rates and charges with this Commission.

- "6. In the event sums less than the applicable rates and charges are found to have been charged, collected, received, or paid:
- "a. Whether respondent Aryon should be ordered to review records regarding transportation for respondents Alpha Beta Company and Centennial Mills to ascertain the applicable rates and charges and the subsequent payment to subhaulers.
 - "b. Whether respondent Aryon should be ordered to collect found undercharges from respondents Alpha Beta Company and Centennial Mills.
 - "c. Whether respondent Aryon should be ordered to pay subhaulers the applicable minimum rates and charges.
 - "d. Whether a fine in the amount of said undercharges less payment to subhaulers should be imposed upon respondent Aryon pursuant to Section 3800 of the Public Utilities Code.
- "7. Whether respondent Aryon's operating authority should be suspended, cancelled, or revoked, or as an alternative a fine should be imposed pursuant to Section 3774 of the Public Utilities Code.
- "8. Whether respondent Aryon should be ordered to cease and desist from any unlawful activity found, or whether any other order or orders that may be appropriate should be imposed in the lawful exercise of the Commission's jurisdiction."

The scope of the investigation includes, but is not limited to, transportation services rendered to respondents Alpha Beta Company (ABC) and Centennial Mills pertaining to certain freight bills listed in the OII.

Service of the OII

The OII ordered the case set for hearing on January 26, 1984 at 9:30 a.m. in the Commission Courtroom, 107 South Broadway, Los Angeles, California. The OII also ordered that a certified copy of the OII be personally served on Aryon. The Certificate of Service in the Commission's formal file in this case shows that a certified copy of the OII was served by Lou Ann Jones on December 30, 1983 on "Bill Maddock, manager-employee of John Aryon (dba Trans-West Service)" at "1625 Bluff Road, Montebello, California." A Proof of Service by Mail document in the Commission's file in this case shows that a copy of the OII was mailed, postage prepaid, on December 29, 1983 to "John Aryan [sic], dba Trans-West Service, P.O. Box 531, Bellflower, CA 90706", which is the address appearing on Aryon's applications for his certificate and permits as well as the address appearing on his certificate and permits. The Bellflower P.O. Box address is also the address found in the Commission's records used in many written communications between Aryon and the Commission. The Bluff Road address is Aryon's terminal where the Commission representative whose investigation touched off this investigation had visited and met many times with Aryon and, on occasion, with Bill Mattis.

The matter came on for hearing at the time, date, and place specified in the OII before Administrative Law Judge Pilling (the ALJ). When the hearing opened neither Aryon nor his representative filed a written appearance, so the ALJ put out a call in the hearing room and in the adjacent hallway for Aryon and/or his representative. No response was made to the call. A recess was taken to await the arrival of Aryon and/or his representative at the hearing. At the end of the recess, which lasted half an hour, the ALJ put out another call in the hearing room and adjacent hallway for Aryon and/or his representative but it elicited no response. The ALJ

thereupon directed the staff attorney to have one of the staff witnesses telephone Aryon's office to determine if Aryon intended to appear at the hearing. A further recess was taken to allow the telephone call to be made. At the end of that recess Donald Weidman, an associate transportation representative in the Commission's Compliance and Enforcement Branch of the Transportation Division, whose investigation of Aryon's operations is the basis of this OII, took the witness stand and testified that during the immediately prior recess and at the request of the staff attorney he placed a telephone call to Aryon's Bluff Road office to determine if Aryon intended to appear at the hearing. A person identifying himself as Bill Mattis answered the telephone. Mattis stated that he did not know the whereabouts of Aryon but thought Aryon may be some place in the State of Washington. Mattis told Weidman, in answer to a question by Weidman, that it was he, Mattis, who took service of the OII at the end of December 1983 from a young lady and that he, Mattis, put the OII on Aryon's desk immediately after taking the service.

Weidman stated that after his telephone call to Aryon's office he telephoned Aryon's Bluff Road landlord, who was known to Weidman. The landlord told Weidman that only yesterday Aryon had paid his Bluff Road office rent to the landlord.

The ALJ then directed the staff to proceed with its case.

Discussion

We consider that Aryon was properly served on December 29, 1983 with a certified copy of the OII and that Aryon merely chose to ignore it as he has ignored many other communications from the Commission representatives in the past. Aryon's "manager-employee", Bill Mattis (Maddock), acknowledged taking service of the OII and placing it on Aryon's desk. The Commission's formal file in this case also shows that a copy of the OII was mailed December 29, 1983

to Aryon's post office box number, which was the mailing address Aryon had given the Commission. From this it is evident that Aryon had adequate notice of the charges against him and of the time, date, and place of the hearing on the OII at which he could have appeared and be heard if he had so desired.

Carrier Profile

Weidman testified that the Commission's records show that Aryon was issued a highway common carrier certificate and highway contract carrier permit on April 30, 1979 and an agricultural carrier permit on June 11, 1979; that Aryon subscribed to Transition Tariff (TT) 2, TT 15, Exception Ratings Tariff 1, and Distance Table 8; that Aryon's participation in Westcoast Motor Tariff Bureau (WMTB) Tariffs 1, 3, 5, and 16 was canceled February 12, 1982; that Aryon operated 6 tractors and 6 trailers; that Aryon has a terminal at 1625 Bluff Road, Montebello, and used a mailing address of P.O. Box 531, Bellflower, California 90706; and that Aryon reported to the Commission that he had a gross income from California intrastate trucking operations of \$224,700 for the year 1982.

Weidman also testified that the Commission's records show that Aryon was issued three Citation Forfeitures, one on October 1978, another on July 1980, and another on February 1982, each of which covered separate violations of Public Utilities (PU) Code §§ 3575 and 3737, or §§ 702 and 1074, for engaging subhaulers without a bond on file with the Commission, failing to pay subhaulers timely, and failing to execute written subhaul agreements as required by the Commission's General Order (GO) 102. Aryon paid the first Citation Forfeiture of \$250 and the second of \$1,000, but paid only \$250 of the \$2,000 levied by the third Citation Forfeiture (Exhibit 2, Volume I).

Failure to Produce Documents

Weidman stated that during the first half of 1982 he received telephone calls from persons who complained they had subhailed for Aryon and that Aryon had never paid them for that

subhauling, even though more than 15 days had elapsed since completion of the shipment. On June 3, 1982 Weidman personally visited Aryon at Aryon's Bluff Road address, gave Aryon a list of bill of lading numbers furnished Weidman by the complaining subhaulers, and asked Aryon to furnish Weidman with all Aryon's carrier documents covering those bills of lading. From June 3, 1982 to August 23, 1982 Weidman made numerous telephone calls and personal visits to Aryon's Bluff Road terminal in an attempt to obtain those documents, but Aryon, for one reason or other, failed to produce them. Aryon also failed to respond to a letter dated August 23, 1982 from the Commission's Executive Director and a letter dated October 5, 1982 from the Commission's Assistant Executive Director requesting that Aryon produce, at a certain time and place, all freight bills and other transportation documents, including canceled checks for all subhaul payments, covering the period between June 1, 1981 and September 1, 1982. On January 12, 1983 the Commission by Resolution 18175 suspended Aryon's highway carrier authority for failure to produce records (Part 2, Volume I, Exhibit 2). The suspension was still in effect at the time of the hearing of OII 83-11-08. During April and May of 1983 Weidman repeatedly asked Aryon to produce the documents Weidman had been requesting and those that had been requested in the written communications from the Commission. Aryon finally relinquished to Weidman 75 freight bills covering some shipments Aryon had moved between May of 1982 and March of 1983, none of which pertained to the subhauled shipments as to which Weidman had originally asked for records.

Discussion

Aryon's continued failure to produce his records at the many requests of Commission representatives is inexcusable and shows an almost complete disregard not only of his duty to allow the Commission to inspect his carrier records but of the Commission's

authority to inspect those records. The holder of Commission highway carrier operating authority is under a statutory duty to allow Commission representatives to inspect the carrier's records (PU Code §§ 582, 702, 3705, and 3706). Even after Aryon's certificate and permits were suspended for failure to produce his records he continued to resist producing those same records. If Aryon refuses to discharge his duties as a highway carrier or to respect Commission authority he should not be allowed to hold highway carrier operating authority.

Subhauling Violations

During the first six months of 1983 Weidman continued to receive complaints against Aryon by subhaulers who claimed Aryon had not paid them for subhauling services. All but one complaining subhauler stated that its subhauling was done under an oral arrangement with Aryon and not under a written subhauling agreement. Weidman obtained shipping documents from the complaining subhaulers and from those documents determined that the involved shipments--13 in number--moved to and at the behest of ABC, debtor, at La Habra between November 4, 1982 and January 27, 1983. Weidman contacted ABC and ABC's consignors and, with their permissions, obtained copies of documents covering each of the 13 shipments. Copies of those documents and copies of the documents furnished Weidman by the complaining subhaulers are collated by shipment in Parts 1 through 13 of Volume II of Exhibit 2. Each of those 13 shipments is represented by the following types of documents:

- a. Shipping order copy of a bill of lading covering an intrastate shipment consigned to ABC at La Habra which shows ABC's order number.

- b. Subhauler's bill to Aryon (Trans-West Service) for subhauling service showing shipper's or customer's order number to be the same as that appearing on the Shipping Order and prime carrier freight bill. Also, origin, destination, and commodity shown is the same as that shown on Shipping Order and prime carrier freight bill.
- c. Prime carrier's freight bill to ABC showing same shipper's or customer's order number appearing on subhauler's freight bill and Shipping Order. Also, origin, destination, and commodity shown same as shown on subhauler's freight bill and Shipping Order.
- d. ABC's Remittance Statement listing payment to overlying carrier by carrier name and freight bill number which matches name on prime carrier freight bill. The Remittance Statement also shows a remittance number.
- e. Face of ABC check made out to prime carrier and containing remittance number which matches that on Remittance Statement.
- f. Reverse side of check showing overlying carrier endorsement and deposit in account of Trans-West Service, Account No. 026055.

The ostensible name and address of the prime carrier appearing on each of the freight bills covering the first 8 shipments is as follows:

"California Interstate Transport
1625 Bluff Rd.
Montebello, CA. 90604"

Checks in payment for the first 8 shipments also are made payable to that name and address. The full endorsement on each of those 8 checks is as follows:

Calif. Interstate
Transport
pay to
TRANSWEST SERVICE
Deposit To
Transwest Service
026055

Documents pertaining to the 3rd shipment include a copy of a written subhaul agreement between Trans-West Service and a subhauler which shows a shipper's identification number to be the same as that appearing on the corresponding Shipping Order and prime carrier freight bill and the vehicle identification number to be the same as that shown on the prime carrier freight bill.

The prime carrier freight bill covering the 5th shipment has printed on the top of the freight bill the words "TRANSWEST SERVICE", but that name is covered over by a semi-transparent piece of white paper on which is typewritten "California Interstate Trans."

Weidman testified that he contacted the president of a southern California carrier known as California Interstate Transport about the first 8 shipments. The president stated that he had been acquainted with Aryon at one time but that California Interstate Transport knew nothing about the shipments or checks in question, had nothing to do with the shipments, did not consent to allow Aryon to use its name for any purpose, did not conduct business at the Bluff Road address, did not endorse the checks, and did not receive any money pertaining to the involved shipments. Attachment I of Exhibit 2 contains copies of letters written by the attorney at law representing California Interstate Transport to ABC and Trans-West Service denying involvement in the shipments in question, warning them against the misuse of his client's name in conducting their business and financial transactions, and telling them to cease and desist from so doing.

There can be no doubt that the 9th through the 13th shipments were handled by Aryon as each prime carrier freight bill has "Transwest Service" printed at the top of it, the Remittance Statement names Trans-West Service as the remittee, ABC's check names Trans-West Service as the payee, and the check was endorsed "Transwest Service." The endorsement in each instance was followed by the number "026055", the same number appearing as part of the endorsement found on the back of the checks given in payment of the first 8 shipments. Furthermore, documents covering each shipment include a subhauler's billing to Trans-West Service for subhauling the shipment and a subhauler's receipt evidencing delivery of the shipment by the subhauler.

Attachment E of Exhibit 2 shows the following named subhaulers to whom Aryon is indebted for subhauling service and the amount of money owed, as reported to Weidman by the subhaulers:

<u>Subhauler</u>	<u>T-Number</u>	<u>Amount</u>	<u>Unpaid</u>
Mike Conrotto Trucking, Gilroy, CA	T-90,899	\$ 4,718	6/14/83
System Reefer Service, Inc., Cypress, CA	88,349	3,350	6/29/83
Jose Jesus Sanchez, Buena Park, CA	129,014	2,500	6/14/83
California-Washington Express, Inc., Empire, CA	138,928	1,031	6/16/83
Crowther Transportation, Rosemead, CA	80,573	970	6/30/83
ECS Trucking, Garden Grove, CA	121,200	<u>470</u>	6/29/83
		\$13,039	

Exhibit 3 is a verified statement dated October 27, 1983 of the Assistant Executive Director of the Commission in which he states that the "Commission's staff has made a diligent search and our records indicate that John Aryon, doing business as Trans-West Service (T-99,441), P.O. Box 531, Bellflower, CA 90706, does not have and has never had a subhaul bond on file with this Commission."

Discussion

Documents covering the first 8 shipments contain more than sufficient evidence on which to base a conclusion that Aryon was the prime carrier for those shipments and that Aryon had the shipments subhauled for him. Each of ABC's checks in payment of the freight charges was deposited in Trans-West Service's bank account. Each subhauler freight bill, which shows the same shipper order number as shown on the corresponding shipping order and prime carrier freight bill, was billed to Trans-West Service. Documents covering the 5th shipment contain a subhaul agreement with Trans-West Service as the prime carrier for the shipment but the freight bill of the prime carrier shows that California Interstate Transport ostensibly was the prime carrier for the shipment. The prime carrier freight bill covering the 3rd shipment shows there was an unsuccessful attempt to blank out Trans-West Service's name on the freight bill and substitute California Interstate Transport as the name of the prime carrier on the freight.

Documents covering shipments 8 through 13 show that Aryon was the prime carrier on their shipments and that Aryon had the shipments subhauled.

Since Aryon had no subhaul bond on file during the time he had the 13 shipments subhauled, he was in clear violation of PU Code § 3575 and GO 102, and further violated GO 102 in failing to enter into a written subhaul agreement in connection with 12 out of the 13 shipments. He likewise violated GO 102 for failure to pay subhaulers the amount due them within 15 days after the completion of the shipment.

Undercharges and
Failure to File Tariff

Weidman testified that when Aryon gave Weidman the 75 freight bills in April 1983 Aryon told Weidman that Aryon was a member of Western Motor Tariff Bureau (WMTB) and that the freight

bills had been rated in accordance with Aryon's rates and charges appearing in WMTB Tariffs 3, 5, or 16. Upon checking through the Commission's official tariff files, Weidman ascertained that Aryon had never filed a contract or an individual highway common carrier tariff with the Commission and Aryon had never adopted a Commission transition tariff (TT). He also ascertained that Aryon ceased to be a member of WMTB February 12, 1982 (Part 3 of Volume I of Exhibit 2).

Weidman sent the freight bills Aryon had given him along with the freight bills he had obtained from ABC to an Associate Transportation Rate Expert (ATRE) in Weidman's branch at the Commission to have the rate audit performed on the freight bills. The ATRE determined that ABC had been undercharged on 26 shipments (Volume III of Exhibit 2) (see also Appendix A) and Centennial Mills had been undercharged on three shipments (Volume IV of Exhibit (see also Appendix B)). A rate analysis of each of those undercharged shipments appears, respectively, in Exhibits 4 and 5 and shows ABC's undercharges ranged from a low of \$52.03 to a high of \$187.20 for a total of \$3,152.08 and that Centennial Mills' undercharges were \$245.49, \$233.47, and \$233.47 for a total of \$712.43.

The undercharges were arrived at by comparing the total freight charges assessed each shipment with the total charges which would apply if the shipment had been rated in accordance with the Commission's TT 2.

Discussion

PU Code § 486 requires a highway common carrier to print and file with the Commission schedules showing all rates and classifications for the transportation of property. Aryon has never adopted a transition tariff and commencing February 12, 1982 Aryon had no tariff on file with the Commission. His failure to file any tariff with the Commission is a violation of PU Code § 486.

The rate analyses in Exhibits 4 and 5 show that Aryon underrated each of the involved shipments as contrasted to the applicable rates in TT 2. The question arises whether the rates in TT 2 are applicable to those shipments in view of the fact Aryon had neither a tariff nor a contract on file with the Commission.

Aryon had no highway common carrier tariffs on file with the Commission for a period of at least a year prior to the last involved haul. However, Aryon continued to subscribe to TT 2, which is the tariff established by the Commission pursuant to PU Code § 3662 which fixes the rates for contract carriage (2 CPUC 2d 249, 254). From these facts we conclude that Aryon abandoned his highway common carrier service in favor of operating under his highway contract carrier permit. Hence, the rates in TT 2 are applicable to the involved shipments.

The OII charges Aryon with violation of PU Code §§ 493 and 494. Both of those sections provide that highway common carriers may not engage in transportation without first filing a tariff with the Commission. In view of our finding that Aryon was operating as a contract carrier in transporting the involved shipments and there was no showing that Aryon transported any shipments other than the involved shipments, we cannot find Aryon violated PU Code § 493 or 494. However, by not having a tariff on file Aryon was not in compliance with PU Code § 486, which requires every highway common carrier to have a tariff on file with the Commission. But the OII did not charge Aryon with violating PU Code § 486, and he therefore had no notice that he must defend against a violation of this code section.

Commission Staff Recommendation

The staff contends that Aryon engaged in the violations which this case was established to investigate. The staff recommends that the Commission take the following action:

1. Revoke Aryon's highway carrier certificate and permits.
2. Order Aryon to pay all monies he owes to persons who have subhailed for him.
3. Order Aryon to collect the undercharges found herein.
4. Fine Aryon in the amount of the undercharges.
5. Order Aryon to pay previously assessed and unpaid fines.
6. Order that no new operating authority be issued Aryon until he has satisfied all of the above recommendations.

Findings of Fact

1. At all times pertinent Aryon, dba Trans-West Service, possessed a highway common carrier certificate, a highway contract carrier permit, and an agricultural carrier permit issued by the Commission.

2. Aryon was issued three Citation Forfeitures for failing to pay subhaulers timely, for engaging subhaulers without a bond on file with the Commission, and for failing to execute written subhaul agreements as required by GO 102.

3. Aryon has paid the first two Citation Forfeitures but owes the Commission \$1,750 on the third Citation Forfeiture.

4. Aryon has never had a subhaul bond on file with the Commission.

5. Aryon has never adopted a transition tariff nor had a contract on file with the Commission.

6. Subsequent to February 12, 1982 Aryon had no highway common carrier tariff or rates on file with the Commission.

7. On January 12, 1983 the Commission suspended Aryon's certificate and permits for failure to produce his carrier records at the several written and oral requests of Commission representatives.

8. During the first half of 1983 a Commission representative on several occasions requested Aryon to produce the carrier records

that Aryon had been requested to produce before but had failed to produce.

9. Aryon again failed to produce the requested records except for 75 freight bills covering some shipments Aryon moved between May 1982 and March 1983.

10. During 1982 and the first half of 1983 a Commission representative received complaints from persons who stated they subhailed for Aryon but had not been paid by Aryon for the subhauling.

11. The Commission representative obtained from the complaining subhaulers their subhauler shipping documents and obtained from ABC, the debtor consignee involved in those shipments, its shipping records, freight bills, and payment records corresponding to the shipments represented by the subhauler's documents.

12. The documents so obtained represent 13 shipments which moved between November 4, 1982 and February 3, 1983 and are collated by shipment in Volume II of Exhibit 2.

13. The documents for each shipment evidenced in Volume II of Exhibit 2 show:

- a. An ABC check made in payment of a corresponding freight bill endorsed for deposit to the account of Trans-West Service.
- b. A subhauler's freight bill billing Trans-West Service for subhauling the shipment.
- c. A shipping order, prime carrier freight bill, and subhauler's freight bill all with the same identifying customer number or shipper number.

14. Documents pertaining to the 3rd shipment in Volume II of Exhibit 2 include a written subhauling agreement with Trans-West Service as the prime carrier.

15. Documents pertaining to the 5th shipment in Volume II of Exhibit 2 include a prime carrier freight bill with the name Trans-West Service printed on top and the name covered with a semi-transparent piece of paper on which is typewritten the name of another carrier.

16. The prime carrier freight bill covering each shipment 9 through 13 in Volume II of Exhibit 2 has the name Trans-West Service at the top of it.

17. The 13 shipments represented by the documents in Volume II of Exhibit 2 were subhauled for Aryon as the prime carrier.

18. Aryon had no written subhauling agreement in connection with 12 of the 13 shipments evidenced by the documents in Volume II of Exhibit 2.

19. Aryon falsified his prime carrier freight bills involved in the first 8 shipments evidenced by the documents in volume II of Exhibit 2.

20. Aryon had no tariffs, rates, or contracts on file with the Commission at the time he transported the 13 shipments evidenced by the documents contained in Volume II of Exhibit 2.

21. As of the date of the hearing on this matter Aryon was over 15 days in arrears in his payments for subhauling services performed for him by the persons named and in the amounts formerly shown in the body of this opinion.

22. Volume III of Exhibit 2 contains documents pertaining to 26 shipments Aryon transported for ABC as debtor consignee.

23. Volume IV of Exhibit 2 contains documents pertaining to 3 shipments Aryon transported for Centennial Mills.

24. The rates and charges applicable to the transportation of shipments evidenced in Volumes III and IV of Exhibit 2 are found in TT 2.

25. Aryon charged ABC and ABC paid Aryon less than the applicable rates in the amounts set forth in Appendix A.

26. Aryon charged Centennial Mills and Centennial Mills paid Aryon less than the applicable rates in the amounts set forth in Appendix B.

Conclusions of Law

1. Aryon violated PU Code §§ 3664 and 3667 by failing to charge and collect from ABC and Centennial Mills the applicable rates and charges set forth in TT 2.
2. Aryon violated PU Code § 3737 by failing to pay subhaulers.
3. Aryon violated PU Code § 3575 by failing to file a subhaul bond with this Commission.
4. Aryon violated PU Code §§ 582, 702, 3705, and 3706 by failing to produce records for examination by a representative of the Transportation Division of the Commission.
5. Aryon did not violate PU Code § 493 or 494.

O R D E R

IT IS ORDERED that:

1. The highway common carrier certificate, highway contract carrier permit, and agricultural carrier permit issued to John Aryon are canceled.
2. Aryon shall pay his subhaulers the amounts set forth in Finding 21.
3. Aryon shall take action, including legal action, as may be necessary to collect the undercharges set forth in Appendixes A and B.
4. Aryon shall notify the Commission in writing upon collection of the undercharges and payment to his subhaulers.
5. Within 30 days after the effective date of this order Aryon shall pay the balance due of \$1,750 previously assessed him by the Citation Forfeiture issued to him in February 1982.
6. Aryon shall pay a fine to this Commission under Public Utilities Code § 3800 of \$3,864.51 on or before the 40th day after the effective date of this order.
7. No new highway carrier operating authority shall be issued to Aryon until he has complied with Ordering Paragraphs 1 through 6.
8. Aryon shall file with the Commission's Transportation Division on the first Monday of each month a report of any undercharges remaining uncollected 60 days after the effective date

of this order, specifying the action taken to collect them and the result of such action, until they have been collected in full, or until further order of the Commission.

9. Aryon shall take all reasonable actions to collect the undercharges set forth in Appendices A and B and to pay its subhaulers the amounts found in Finding 21. The Commission staff will make an investigation into such measures. If it believes that Aryon or its attorney has not acted in good faith, the Commission will reopen this proceeding to determine whether to impose further sanctions.

10. As set forth above, respondent Aryon's authorities are canceled and he shall pay a fine to this Commission.

The Executive Director shall have this order personally served on respondent John Aryon and served by mail on all other respondents.

This order shall become effective for each respondent 10 days after the order is served.

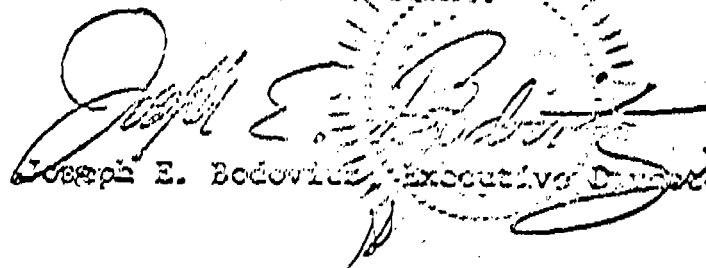
Dated June 6, 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Priscilla C. Grew,
being necessarily absent, did not
participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS MEET.


Joseph E. Bodowick, Executive Director

APPENDIX A
(Extract of Exhibit 4)

Debtor Alpha Beta Company

	<u>Freight Bill No.</u>	<u>Date</u>	<u>Bill of Lading No.</u>	<u>Date</u>	<u>Amount of Undercharges</u>
1	5443	11/8/82	116210	11/4/82	\$ 187.20
2	5444	11/8/82	116216	11/4/82	187.20
3	5455	11/22/82	116221	11/8/82	187.20
4	5489	12/3/82	116356	11/24/82	124.65
5	5505	12/3/82	8111816-D01	12/2/82	52.03
6	5506	12/3/82	8111815-D01	12/2/82	52.03
7	5507	12/2/82	116367	12/2/82	187.20
8	5510	12/6/82	116366	12/3/82	187.20
9	5518	12/13/82	116675	12/10/82	187.20
10	5520	12/20/82	116609	12/13/82	156.67
11	5529	12/20/82	8112072-D01	12/17/82	52.03
12	3221/5537	1/10/83	8112159-D01	12/27/82	52.03
13	5553	1/27/83	116008	12/30/82	187.20
14	5564	1/24/83	8112092-D01	1/10/83	52.03
15	5567	1/24/83	8112114-D01	1/13/83	52.03
16	5573	2/3/83	8112087-D01	1/14/83	52.03
17	5574	1/24/83	8112379-D01	1/14/83	52.03
18	5575	1/27/83	116770	1/17/83	187.20
19	5579	2/3/83	8112436-D01	1/21/83	52.03
20	5584	2/3/83	116058	1/27/83	187.20
21	5585	2/14/83	116045	1/27/83	187.20
22	5588	2/3/83	8112513-D01	1/31/83	52.03
23	5589	2/28/83	116069	2/3/83	187.20
24	5598	2/14/83	8112631-D01	2/11/83	52.03
25	3234/5599	2/24/83	8112664-D01	2/11/83	52.03
26	5609	2/28/83	115393	2/24/83	187.20
				Total	\$3,152.08

(END OF APPENDIX A)

APPENDIX B
(Extract of Exhibit 5)

Debtor Centennial Mills

	<u>Freight Bill No.</u>	<u>Date</u>	<u>Bill of Lading No.</u>	<u>Date</u>	<u>Amount of Undercharges</u>
1	5360	9/22/82	None	9/21/82	\$245.49
2	5460	11/16/82	None	11/8/82	233.47
3	5569	1/24/83	None	1/6/83	<u>233.47</u>
				Total	\$712.43

(END OF APPENDIX B)

of this order, specifying the action taken to collect them and the result of such action, until they have been collected in full, or until further order of the Commission.

9. Aryon shall take all reasonable actions to collect the undercharges set forth in Appendices A and B and to pay its subhaulers the amounts found in Finding 21. The Commission staff will make an investigation into such measures. If it believes that Aryon or its attorney has not acted in good faith, the Commission will reopen this proceeding to determine whether to impose further sanctions.

The Executive Director shall have this order personally served on respondent John Aryon and served by mail on all other respondents.

This order shall become effective for each respondent 10 days after the order is served.

Dated JUN 6 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

Commissioner Priscilla C. Grow,
being necessarily absent, did
not participate