

Decision 84 09 105 SEP 19 1984

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 Eagle Transportation)
Company, Inc., a California corpora-)
tion; Berberian Bros., Inc.; Ferrari)
Bros. Distributing Co., Inc.; Geysler)
Peak Winery; Mesa Distributing Co.,)
Inc., and Southern Wines and Spirits)
of California, Inc.)

OII 83-11-06

Investigation on the Commission's own)
motion into the operations, rates,)
and practices of Charles Morrison,)
Inc., a California corporation;)
Southern Wine and Spirits of)
California, Inc., and Wine Warehouse)
Imports, Inc.)

OII 83-11-07

ORDER EXTENDING TIME TO COMPLY
WITH PARTS OF DECISION 84-07-091

By Ordering Paragraph 1.c. of Decision (D.) 84-07-091 we ordered Eagle Transportation Company, Inc. (Eagle), to pay a fine to the Commission under Public Utilities (PU) Code § 3800 of \$52,197.37 on or before the 40th day after August 4, 1984.

By Ordering Paragraph 2.c. of D.84-07-091 we ordered Charles O. Morrison, Inc. (Morrison), a company under common control with Eagle, to pay a fine to the Commission under PU Code § 2100 of \$17,509.42 on or before the 40th day after August 4, 1984.

The amount of each fine was equal to the amount which the Commission determined each of the carriers had undercharged certain of their shippers.

Eagle and Morrison have requested in writing, with a copy to the Commission staff, an extension of time in which to comply with the subject ordering paragraphs in order to enable Eagle and Morrison to collect some of the undercharges. They allege that they have already experienced substantial out-of-pocket expenses in connection with these proceedings and that they have budgeted for the payment of the punitive fines of \$3,000 and \$2,000, respectively, which are due to be paid to the Commission on or before 60 days from the effective date of D.84-07-091. They contend that for them to make the additional fine payments of almost \$70,000 not later than 40 days after the effective date of D.84-07-091 would impose a severe strain on the financial health of both carriers. This strain, when coupled with the loss of business caused by the publicity of the investigation, could jeopardize the ability of these carriers to remain in business. The Commission staff offers no objection to the requested extension of time in which to comply with the subject ordering paragraphs.

Because the period to be extended is about to terminate, this order will be made effective today.

Notice of the following order did not appear on the Commission's public agenda as required by Public Utilities Code Section 306(b). This matter is an unforeseen emergency in that the time limit which this decision extends expired several days ago.

IT IS ORDERED that:

1. Ordering Paragraph 1.c. of D.84-07-091 is amended to read as follows:

"c. Pay a fine to the Commission under PU Code § 3800 of \$52,197.37 on or before 6 months after the effective date of this order; provided, however, if any of the undercharges set out in Finding 5 are collected within such 6 month period they shall be remitted to the Commission within 7 days of such collection."

2. Ordering Paragraph 2.c. of D.84-07-091 is amended to read as follows:

"c. Pay a fine to this Commission under PU Code Section 2100 of \$17,509.42 on or before 6 months after the effective date of this order; provided, however, if any of the undercharges set out in Finding 12 are collected within such 6 months period they shall be remitted to the Commission within 7 days of such collection."

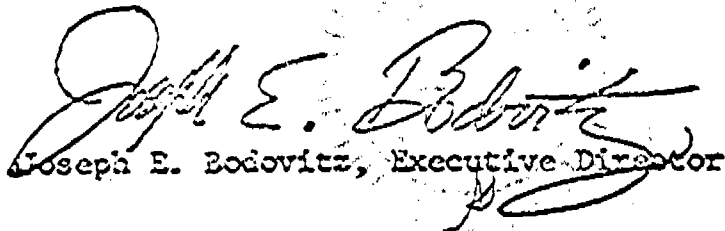
This order is effective today.

Dated SEP 19 1984, at San Francisco, California.

Commissioner William T. Bagley
being necessarily absent, did
not participate.

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
Commissioners

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


Joseph E. Bodovitz, Executive Director