

ALJ/RTB/pc

Decision 90 11 006 NOV 00 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own Motion into the operations,)
rates, and practices of I-Go Van)
and Storage, Inc., a California)
corporation, and Owens-Corning)
Fiberglas, an Ohio corporation and)
Mobil Chemical Company, a New York)
corporation as shipper respondents,)
Respondents.)

ORIGINAL

I.89-07-006
(Filed July 6, 1989)

O P I N I O N

I-Go Van and Storage, Inc. (I-Go) transports property over the public highways of this state for compensation, operating pursuant to a highway common carrier certificate, a highway contract carrier permit, a household goods carrier permit, an agricultural carrier permit, a tank truck carrier permit and a heavy specialized carrier permit.

On July 6, 1989, we issued Order Instituting Investigation 89-07-006 wherein among other things, we sought to determine: whether I-Go had charged and collected from Owens-Corning Fiberglass and Mobil Chemical Company (collectively, respondent-shippers) amounts less than the applicable rates for certain transportation services; whether, if undercharges were found to exist, I-Go should be ordered to collect the undercharges from the respondent-shippers; whether I-Go should be ordered to pay a fine in the amount of the undercharges; and, whether I-Go should be ordered to pay a punitive fine.

On August 7, 1989, I-Go wrote to counsel for Transportation Division, suggesting a settlement.

On May 9, 1990, the Transportation Division mailed to I-Go a proposed Stipulation for Settlement, under which I-GO (1) would pay a punitive fine of \$2,000, (2) would collect from respondent-shippers undercharges in the total amount of \$7,108.26, and (3) would pay a fine in the amount of the undercharges.

I-Go did not return the Stipulation but instead, on August 13, 1990, mailed to the Transportation Division a check in the amount of \$9,108.26, marked "89-07-006".

The usual method of accepting and agreeing to a Stipulation for Settlement is by signing and returning the document. An equally effective method is by performing the terms of the Stipulation. By paying \$9,108.26, I-GO has performed the terms of the Stipulation. Accordingly, the Stipulation is deemed accepted.

Findings of Fact

1. I-Go has paid to the Commission the amount of \$9,108.26.
2. I-Go's payment represents a fine pursuant to Public Utilities Code §§ 1070 and 3774 in the amount of \$2,000 and a fine pursuant to §§ 2100 and 3800 in the amount of \$7,108.26.
3. I-Go has accepted the Stipulation for Settlement of May 9, 1990 by performance.
4. The Stipulation is reasonable.

Conclusions of Law

1. The objectives of this investigation have been attained.
2. The investigation should be terminated and the docket closed.

ORDER

IT IS ORDERED that this investigation is terminated and the docket is closed.

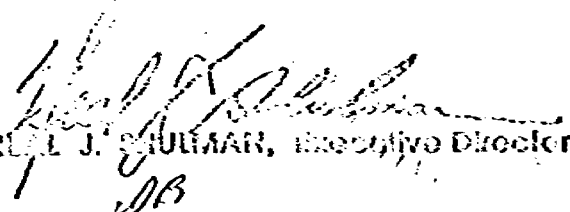
This order is effective today.

Dated NOV 09 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Stanley W. Hulett,
being necessarily absent, did
not participate.

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


NEAL J. SULLIVAN, Executive Director