

SEP 25 1991

Decision 91-09-049 September 25, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's )  
 own motion into the operation, )  
 rates, and practices of Adams )  
 Trucking, Inc. and the individuals, )  
 partnerships, or corporations )  
 listed as Debtor Respondents in )  
 Attachment A, )  
 Respondents. )

**ORIGINAL**

I.87-01-035  
(Petition for Modification  
filed July 31, 1991)

OPINION FURTHER MODIFYING DECISION 87-08-033

On August 26, 1987, we issued Decision (D.) 87-08-033. Ordering Paragraph 3 of that decision, as modified by D.88-01-035 and D.90-01-011 provides that:

"3. Adams Trucking, Inc. shall:

- "a. Pay a fine to this Commission under PU Code Section 2100 of \$49,627.17 in installments as undercharges are collected. Said installments to be paid within 5 days after the collection of the undercharges.
- "b. Examine its records for the period October 17, 1984 to January 14, 1987 for the purpose of ascertaining the undercharges set forth in Finding 4.
- "c. Within 90 days after the effective date of this order, complete the examination of its records required by Paragraph 3b of this order and shall file with the Commission a report setting forth all undercharges found pursuant to that examination.
- "d. Take such action, as may be necessary to collect the undercharges set forth herein together with those found after the examination required by Paragraph 3b of this order, including timely legal action under PU Code Section 737.

- "e. Notify the Commission in writing upon collection.
- "f. Promptly take all reasonable steps to collect the undercharges.
- "g. File with the Commission 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. Failure to file any such monthly report within 15 days after the due date shall result in the automatic suspension of the operating authority until the report is filed.
- "h. Not charge or collect less than lawful rates approved by the Commission."

On July 31, 1991, Adams Trucking, Inc. (Adams) filed a Petition for Modification of D.87-08-033. The petition states that:

"At this time, the following undercharges arising from Decision 87-08-033 remain outstanding:

- |                                 |             |
|---------------------------------|-------------|
| "(1) Commercial Lumber          | \$ 162.82   |
| "(2) Double T Wholesale         | \$ 817.67   |
| "(3) Sunrise Forest Products    | \$ 130.14   |
| "(4) Four Cass Bank & Trust Co. | \$ 21.74    |
| "(5) Diamond Lumber             | \$1,809.52" |

The petition alleges that the undercharges are uncollectible based on detailed facts set forth in the petition.

Adams requests that it be excused under Public Utilities Code Section 494 from collecting the undercharges set forth above and further requests an order that it has fully complied with all the requirements of D.87-08-033 as modified.

By memorandum dated August 9, 1991, W. G. Waldorf, a Senior Transportation Representative employed in the Transportation Division's Compliance and Enforcement Branch, advised the assigned Administrative Law Judge that "the staff believes Adams has made a good faith effort to comply with the orders set forth in Decision 87-08-033. The proposal seems reasonable. Therefore, staff has no objection to the relief sought."

Findings of Fact

1. The following undercharges arising from D.87-08-033 remain outstanding:

(a) Commercial Lumber	\$ 162.82
(b) Double T Wholesale	\$ 817.67
(c) Sunrise Forest Products	\$ 130.14
(d) Four Cass Bank & Trust Co.	\$ 21.74
(e) Diamond Lumber	\$1,809.52

2. Based on the detailed facts set forth in Adams' Petition for Modification, the undercharges set forth in Finding of Fact 1 are uncollectible.

3. Adams has requested it be relieved from collecting the undercharges set forth in Finding of Fact 1.

4. The Transportation Division staff has advised it has no objection to the request.

Conclusions of Law

1. Adams should be relieved from collection of the undercharges set forth in Finding of Fact 1.

2. Adams has complied with the requirements of D.87-08-033 as modified.

ORDER

IT IS ORDERED that:

1. Adams Trucking, Inc. (Adams) is relieved from collecting the undercharges set forth in Finding of Fact 1.

2. Adams has fully complied with the requirements of D.87-08-033 as modified.

This order becomes effective 30 days from today.

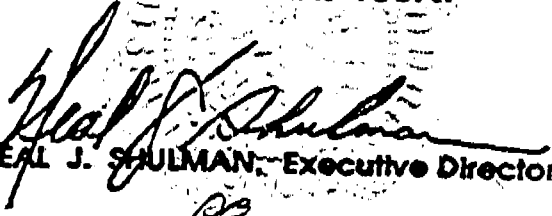
Dated September 25, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

I abstain.

/s/ G. MITCHELL WILK  
Commissioner

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

  
NEAL J. SHULMAN, Executive Director