

SEP. 3 1992

Decision 92-09-025 September 2, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
 own motion into the operations,
 rates, and practices of MURPHY
 TRUCK AND EQUIPMENT RENTALS, INC.,
 a California corporation,
 Respondent.

I.92-02-003
 (Filed February 5, 1992)

O P I N I O N

Murphy Truck and Equipment Rentals, Inc. (respondent) (Murphy), a California corporation with offices in Rancho Cucamonga, transports property over the public highways of this state for compensation. Murphy operates pursuant to a highway common carrier certificate and highway contract carrier, agricultural carrier, dump truck carrier, heavy hauling and special carrier permits, all in File No. T-100,292.

A Transportation Division investigation indicates that Murphy may have engaged subhaulers without first having a valid subhauler bond on file with the Commission. General Order 102-H, Rule 7, and Public Utilities (PU) Code § 3575 require a bond before a subhauler may be used.

The investigation also indicates that Murphy may have failed to make timely payments to subhaulers as prescribed in Item 210 of Minimum Rate Tariff 7-A. Murphy may have violated § 3737 of the PU Code, which states that a carrier shall observe any tariff, decision, or order applicable to it.

On February 5, 1992, the Commission issued an Order Instituting Investigation in this proceeding to inquire into the matters comprehended by the Transportation Division investigation. Thereafter, counsel for Murphy entered into settlement negotiations with the Transportation Division. Negotiations resulted in a

settlement of the issues in this case, which is represented by a written Stipulation for Settlement, dated June 29, 1992, and signed by Dixie Murphy, Secretary for Murphy, and by Staff Counsel Lawrence Garcia for the Transportation Division.

In full settlement of the issues in dispute in this proceeding, Murphy agrees to pay an amount to be deposited with the Commission in the sum of \$4,000 to resolve issues arising under PU Code § 3774. This amount is to be paid in twenty (20) consecutive monthly installments of \$200, the first installment due January 1, 1992¹ pending the Commission's final order approving and adopting the terms of the stipulation for settlement as its final disposition of the matters subject to this investigation proceeding.

The Transportation Division agrees with the terms of the stipulation and recommends to the Commission that those terms be accepted and the investigation proceeding be terminated. The Transportation Division also agrees that respondent shall not be subject to any further sanctions or fines arising from transportation performed by Murphy to and including the date of the stipulation and that Murphy be relieved of liability for the payment of any amounts other than those specifically agreed to be paid in the stipulation. A copy of the stipulation is appended to this decision.

Findings of Fact

1. The stipulation is reasonable, consistent with law, and in the public interest.

¹ Since January 1992, Murphy has, in fact, been paying \$200 per month toward the discharge of its obligation, based on an informal agreement with the Transportation Division settling in principle the issues in this case. The stipulation signed June 29, 1992, memorializes the informal agreement.

2. The stipulation is recommended by the Transportation Division.

3. The stipulation is uncontested.

Conclusions of Law

1. The stipulation should be adopted.

2. Since the matter is resolved by stipulation, the following order should be effective immediately.

ORDER

IT IS ORDERED that:

1. Murphy Truck and Equipment Rentals, Inc. (Murphy) shall pay an amount to be deposited with the Public Utilities Commission in the sum of \$4,000 to resolve the issues arising under Public Utilities Code § 3774. This amount shall be paid in twenty (20) consecutive monthly installments of \$200, the first installment due January 1, 1992.

2. Upon payment in full of the amounts ordered above, Murphy shall thenceforth not be subject to any further sanctions or fines arising from transportation performed by it to and including the date of the stipulation; and Murphy shall be relieved of liability for the payment of any amounts other than those specifically agreed to be paid in the stipulation.

3. This investigation is terminated and this docket is closed.

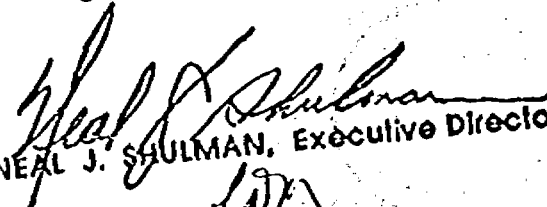
This order is effective today.

Dated September 2, 1992, at San Francisco, California.

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

Commissioner Patricia M. Eckert,
being necessarily absent, did
not participate.

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


NEAL J. SHULMAN, Executive Director

ATTACHMENT

Page 1

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
 motion into the operations, rates and
 practices of MURPHY TRUCK AND
 EQUIPMENT RENTALS, INC., a California
 Corporation,
 Respondent,

I. 92-02-003

STIPULATION FOR SETTLEMENT

THE PARTIES TO THIS PROCEEDING now pending before the Public Utilities Commission desiring to avoid the expense, inconvenience and uncertainty attendant to litigation of the issues in dispute between them have agreed upon a settlement of the said issues and desire to submit to the Public Utilities Commission this stipulation for approval and adoption as its final disposition of the matters herein.

In addition, since this STIPULATION represents a compromise by the Parties, the Parties have entered into it on the basis that the Commission's adoption of said STIPULATION not be construed as an admission or concession by any party regarding the facts or law in dispute in this proceeding. Furthermore, it is the intent and understanding of the parties that Commission adoption of this STIPULATION will not be construed as a precedent or policy statement of any kind for or against the Parties in any current or future proceeding.

ATTACHMENT

Page 2

I. 92-02-003 /ALJ/RTB/

NOW, THEREFORE, THE PARTIES DO STIPULATE AS FOLLOWS:

1. Respondent MURPHY TRUCK AND EQUIPMENT RENTALS, INC. (MURPHY) agrees to pay an amount to be deposited with the Public Utilities Commission ("Commission") in the sum of \$ 4,000 pursuant to Section 3774 of the Public Utilities Code. This amount is to be paid in twenty (20) consecutive monthly installments of \$ 200, the first installment due January 1, 1992 pending the Commission's final order approving and adopting the terms of this Stipulation For Settlement as its final disposition of the matters subject to this investigation.

2. The staff of the Public Utilities Commission, specifically the Compliance and Enforcement Branch of the Transportation Division, agrees with the terms of this stipulation and recommends to the Commission that these terms be accepted, that this proceeding known as I. 92-02-003 be terminated, that the respondent in I. 92-02-003 shall henceforth not be subject to any future sanctions or fines arising from transportation performed by MURPHY to and including the date of this Stipulation, and be relieved of liability for the payment of any amount other than that specifically agreed to be paid in this stipulation.

ATTACHMENT

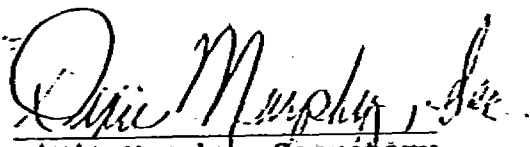
Page 3

I. 92-02-003 /ALJ/RTB/

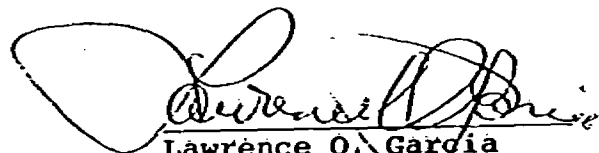
3. The parties enter into this agreement freely and voluntarily.

4. It is understood and agreed that the terms herein are binding when approved by the Commission.

Dated: June 29, 1992



Dixie Murphy, Secretary
Authorized Representative
MURPHY TRUCK AND EQUIPMENT RENTALS, INC.
9007 Center Ave. /P.O. Box 415
Cucamonga, CA 91730



Lawrence Q. Garcia
Attorney at Law
Counsel for Compliance
and Enforcement Branch
of Transportation Division

(END OF ATTACHMENT)