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Decision 92-10-006 October 6, 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 C. L.)
 Dodge, an individual doing)
 business as DODGE TRUCKING, and of)
 Robert F. Gifford, an individual)
 doing business as GIFFORD COMPANY,)
 and of GRANITE CONSTRUCTION)
 COMPANY, a California Corporation,)
 Shipper respondent,)

ORIGINAL
 I.92-02-025
 (Filed February 20, 1992)

Respondents.)

O P I N I O N

Clem L. Dodge, dba C. L. Dodge Trucking, has transported property over the highways of this state pursuant to a dump truck carrier permit.

Gifford Trucking, Inc., a California corporation, transports property over the highways of this state pursuant to a highway common carrier certificate and dump truck, highway contract, and agricultural permits, all in file T-164,217. All of the operating authorities of Gifford Trucking, Inc., were transferred December 6, 1989, from Robert Gifford (T-16,595), former trucking company proprietor but now president and principal shareholder of Gifford Trucking, Inc.

Granite Construction Co., a California corporation, is a shipper of property, having received trucking services from Dodge and from Gifford Trucking, Inc.

It appears from a Transportation Division investigation that in providing trucking services for Granite, Dodge and Gifford Trucking, Inc., may have violated Public Utilities (PU) Code Sections 3575, 3664, 3667, 3668, and 3737, General Orders 102-H and

130, and various provisions of Minimum Rate Tariff (MRT) 7-A, Items 170, 190, and 310.

After the Order Instituting Investigation was issued, Transportation Division and the parties entered into informal negotiations by letter and telephone, which culminated in the execution of a Stipulation for Settlement, a copy of which is appended. In the stipulation, Robert F. Gifford for Gifford Trucking, Inc., agrees to deposit with the Commission, pursuant to PU Code Section 3774, the sum of \$2,750. The amount is to be paid in 10 consecutive monthly installments of \$275; the first installment is due 30 days after the Commission issues an order approving the settlement.¹

The Transportation Division agrees with the terms of the stipulation and recommends it to the Commission as a basis for terminating this case.

Findings of Fact

1. The stipulation is reasonable and should be adopted.
2. The stipulation is recommended by the Transportation Division.
3. The stipulation is uncontested.
4. The dump truck permit of Dodge was revoked July 16, 1992, for delinquent fees.

Conclusions of Law

1. The stipulation should be adopted.
2. As it pertains to Dodge, this investigation is moot.
3. Since this case is resolved by stipulation, the following order should be effective immediately.

¹ Transportation Division does not seek any sanctions against Dodge after determining from Commission records that his dump truck permit was revoked July 16, 1992, for delinquent fees.

ORDER

IT IS ORDERED that:

1. Gifford Trucking, Inc., shall pay to the Commission a fine of \$2,750 pursuant to Public Utilities Code Section 3774 in 10 consecutive monthly installments, the first of which is due 30 days after the date of this order.

2. Upon payment in full of the amount of the fine, Gifford Trucking, Inc., shall thenceforth not be subject to any further sanctions or fines arising out of the transportation performed by it to and including the date of the stipulation; and it shall be relieved of liability for the payment of any amount other than the amount agreed to be paid in the stipulation.

3. This investigation is terminated; and the docket is closed.

This order is effective today.

Dated October 6, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President

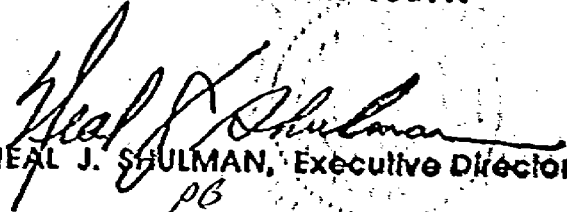
JOHN B. OHANIAN

PATRICIA M. ECKERT

NORMAN D. SHUMWAY

Commissioners

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


NEAL J. SHULMAN, Executive Director

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
 motion into the operations, rates and)
 practices of Clem L. Dodge, an)
 individual doing business as C. L.)
 DODGE TRUCKING and of Robert F.)
 Gifford, an individual formally)
 doing business as GIFFORD TRUCKING,)
 and GIFFORD TRUCKING, INC., and of)
 GRANITE CONSTRUCTION COMPANY, a)
 California Corporation, shipper)
 respondent,)

I. 92-02-025

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Respondents.

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.

I. 92-02-025 /ALJ/RTB/

NOW, THEREFORE, THE PARTIES DO STIPULATE AS FOLLOWS:

1. Respondent Robert F. Gifford, GIFFORD TRUCKING INC (GIFFORD) agrees to pay an amount to be deposited with the Public Utilities Commission ("Commission") in the sum of \$ 2,750 pursuant to Section 3774 of the Public Utilities Code. This amount is to be paid in ten (10) consecutive monthly installments of \$ 275. The first installment is due 30 days after issuance of 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. 92-02-025 be terminated, that the respondents in I. 92-02-025 shall henceforth not be subject to any future sanctions or fines arising from transportation performed by GIFFORD 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.

I. 92-02-025 /ALJ/RTB/

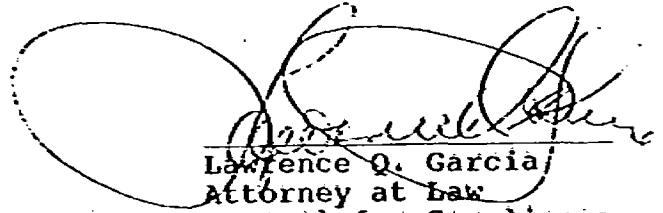
3. The parties enter into this agreement freely and voluntarily.

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

Dated: **AUGUST 20, 1992**



Robert F. Gifford
GIFFORD TRUCKING, INC.
P.O. Box 49065
Del Kern Station
Bakersfield, CA 93382



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