

ORIGINALDecision 82 01 41 JAN 5 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
 motion into the operations, rates, and)
 practices of Russell T. Phillips, dba)
 Russ Phillips Trucking, a sole)
 proprietorship, J. D. Meat Packing)
 Co., Damar International, General)
 Processors, Inc., Griffith Meat)
 Brokerage, Glenn's Choice Meat Co.,)
 Inc., dba Lido Products, P.A. Graziani)
 Meat, Richmond Wholesale Co., Salem)
 Packing Co., Scott Meat, Select Meat)
 Co., Inc., and Union Packing Company.)

OII 76
 (Filed July 2, 1980)

ORDER MODIFYING DECISION 93518

On September 1, 1981 the Commission issued Decision (D.) 93518 in OII 76, which ordered Russell T. Phillips to pay a punitive fine of \$5,000 and an undercharge fine of \$67,846.24. The order requires the undercharge fine and \$1,500 of the punitive fine to be paid on November 19, 1981.

The \$1,500 punitive fine and \$1,727.94 of the undercharge fine were received on November 6, 1981. A letter from Phillips dated November 4, 1981 advised that it will be necessary to litigate the remaining claims in court and requests that the Commission defer payment of the remaining undercharges until the sum is collected from the debtors.

The Transportation Division has no objection to the requested modification of D.93518, if copies of pleadings filed to collect the undercharges are promptly mailed to the Commission.

IT IS ORDERED that:

1. Ordering Paragraph 3 of D.93518 dated September 1, 1981 is modified to provide that the remainder or any portion of the fine due under Public Utilities Code § 3800 shall be paid to the Commission within 7 days after the undercharges are collected by respondent.

2. Copies of all pleadings submitted in an effort to collect the undercharges shall be mailed to the Commission's Transportation Division within 10 days of the date on which the pleading is filed.

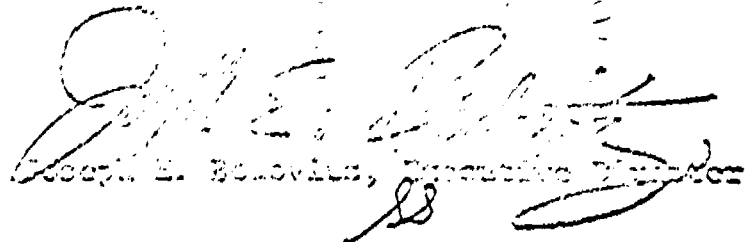
This order is effective today.

Dated SAN 5 1982 , at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

Commissioner Leonard M. Grimes, Jr.,
being necessarily absent, did not
participate.

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


Joseph E. Benovian, Executive Director