ALJ/rr/jt

Decision 83 11 034 NOV 2 - 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation on the Commission's own motion into the operations, rates, and practices of Peeters Transportation Co., Inc., a California corporation, Respondent.	))))))	OII 82-08-02 (Petition for Modification filed June 30, 1983)

ORDER DENYING PETITION FOR MODIFICATION

Decision (D.) 83-03-49, dated March 16, 1983, effective April 15, 1983, in OII 82-08-02, found, after hearing, that Peeters Transportation Co., Inc. (Peeters) had overcharged a customer in connection with a household goods move and levied a $500 punitive fine against Peeters.

On April 14, 1983 Peeters filed an Application for Renearing to D.83-03-49 in which, among other things, Peeters sought to have the Commission reconsider the fine and cancel it. Peeters' Application for Rehearing was denied by D.83-05-109, effective May 18, 1983. Peeters did not seek a court review of the decisions as allowed by Public Utilities (PU) Code § 1756.

On June 30, 1983 Peeters filed this Petition for Modification which asks the Commission to again reconsider the matter of the fine and cancel the fine. Peeters' argument in its Petition for Modification in support of the reconsideration and cancellation of the fine is merely an embellishment of its argument used in the Application for Rehearing in support of the reconsideration and cancellation of the fine.

The Commision staff recommends that the Petition for Modification be denied.

Finding of Fact

Peeters' Petition for Modification is really a second Application for Rehearing filed after the first Application for Rehearing had been denied.

Conclusions of Law

1. The procedure for challenging a Commission decision, or any part of it, after rehearing is denied is to seek a court review of that decision, not to file a successive Application for Rehearing.

2. Since the matter of the fine has already been fully litigated before the Commission the Petition for Modification should be denied.

IT IS ORDERED that the Petition for Modification is denied. This order becomes effective 30 days from today.

Dated NOV 2 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
PRISCILLA C. GREW
WILLIAM T. BAGLEY
Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

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

Joseph E. Bodovitz, Executive Director