

Decision No. 87041

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates and practices of VIDMA WILLSON and GEORGE M. CRANE, dba WILLSON TRUCKING; and MARQUART-WOLFE LUMBER CO., a California corporation.

Case No. 9815

ORDER FURTHER EXTENDING TIME

Decision No. 84958 dated October 7, 1975 directed Vidma Willson to collect \$17,598.42 in undercharges from Marquart-Wolfe Lumber Co. and to pay a fine in that amount plus a punitive fine of \$5,000. The fines were due and payable on or before December 9, 1975. Willson paid \$1,000 of the punitive fine on January 12, 1976, and his attorney filed suit in Orange County Superior Court, Case No. 277-541, for undercharges approximating \$60,000 which included the \$17,598.42 in undercharges found in Decision No. 84958. On July 12, 1976, the Commission was granted leave to intervene in the Superior Court case and is now a party to that action.

Willson was granted extensions of time in which to pay the undercharge fine and the \$4,000 balance of the punitive fine by Decision No. 85465 dated February 18, 1976 and Decision No. 85688 dated April 13, 1976. The decisions provided that Willson shall pay the undercharge fine immediately upon his collection of this amount from Marquart-Wolfe Lumber Co. in the court action and that the balance of the punitive fine shall be paid in monthly installments of \$1,000 each plus interest with the first payment due April 15, 1976. The balance of the punitive fine has not been paid.

By letter dated December 1, 1976, Willson's attorney requested a modification of the Commission's order to provide that Willson be allowed to pay the remaining \$4,000 of the punitive fine out of the proceeds of any judgment he might collect against Marquart-Wolfe Lumber Co. in its Superior Court action. The Commission staff has advised that the interest of the Commission could best be protected in this matter by a stipulation to that effect between the staff and Vidma Willson to be filed with the court. Accordingly, the staff met with Willson's attorney who has, by letter of January 27, 1977, submitted a proposed stipulation providing for the payment of the punitive fine plus interest at the rate of 7 percent from any money collected by Willson from Marquart-Wolfe by way of a settlement or judgment in Superior Court Case No. 277-541. The staff recommends that the stipulation be approved.

We find that Willson's request is reasonable and conclude that it should be granted. A notice of a mandatory settlement conference in Case No. 277-541 on March 22, 1977 has been issued by the court. Because of the necessity of filing the stipulation with the court before that date, the order which follows will be made effective on the date it is issued.

IT IS ORDERED that:

1. Vidma Willson shall execute with the Commission staff and file with the Orange County Superior Court before March 22, 1977 in Case No. 277-541 a stipulation that he shall immediately apply any money collected by him from Marquart-Wolfe Lumber Co., a corporation, in Case No. 277-541 to the payment of the \$4,000 balance due on the punitive fine imposed on him by Decision No. 84958, as amended, with interest thereon of seven percent per annum from December 9, 1975.

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2. In all other respects, Decision No. 84958, as amended, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 15th day of MARCH, 1977.

Robert B. Brown
President
William J. Garrison
Vernon L. Stinson
Richard D. Gould
Commissioners