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Decision No. 87852 SEP 13 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's )  
own motion into the operations, )  
rates, charges and practices of )  
BOB DUNBAR, an individual, and )  
SIERRA MOUNTAIN MILLS, a Califor- )  
nia corporation. )

Case No. 9521

ORDER MODIFYING DECISION

In Decision No. 82406 dated January 29, 1974, the Commission fined respondent Bob Dunbar \$22,963.70 pursuant to Section 3800 of the Public Utilities Code after finding that Mr. Dunbar undercharged Sierra Mountain Mills, a shipper, for transportation rendered prior to 1973. The Commission ordered Mr. Dunbar to collect the undercharges. The fine was in the amount of the undercharges.

Mr. Dunbar filed suit for the undercharges in the Superior Court of Nevada County, No. 20061. On July 19, 1977 judgment was filed in the Superior Court for Mr. Dunbar and against Sierra Mountain Mills in the amount of \$5,554. The judgment was well below the amount of the undercharges because Sierra Mountain Mills successfully raised the defense of the statute of limitations which barred most of the claim.

Mr. Dunbar has requested that we modify Decision No. 82406 to reduce the fine to \$5,554. He asserts that he has fully complied with the intent of the decision, that he promptly filed suit in the Superior Court for the undercharges, and that he acted in good faith in pursuing all reasonable measures to collect the undercharges. Mr. Dunbar states that he is taking action to secure the payment from Sierra Mountain Mills of the judgment rendered by the Court.

The staff has considered the judgment of the Superior Court and has investigated this matter and concludes that Mr. Dunbar

has been diligent in pursuing the collection of the undercharges. The staff has no objection to the reduction of the fine as requested. The Commission agrees with the staff.

IT IS ORDERED that Ordering Paragraph 1 of Decision No. 82406 is modified by reducing the fine from \$22,963.70 to \$5,554 on condition that Bob Dunbar pay to this Commission on or before December 30, 1977 the sum of \$5,554.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 13<sup>th</sup> day of SEPTEMBER, 1977.

Robert Babin  
President  
William Szymanski  
Leonard L. Sturgeon  
Robert W. Chavale  
Clara L. Sheikh  
Commissioners