

smc

ORIGINAL

Decision No. 88216 DEC 6 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
motion into the operations, rates and)
practices of Walter H. Wilson and)
Glendora M. Wilson, his wife, a)
partnership, doing business as Walt)
Wilson Trucking; and Marquart-Wolfe)
Lumber Co., a California corporation.)

Case No. 10171
(Filed September 14, 1976)

ORDER GRANTING A STAY OF
DECISION NO. 87751

On August 23, 1977, the Commission issued Decision No. 87751 which ordered Walter H. Wilson and Glendora M. Wilson doing business as Walt Wilson Trucking (Wilson) to pay undercharge and punitive fines totaling \$13,172.95 for violations of provisions of Minimum Rate Tariff 2 and to cease and desist from further violations of the minimum rate tariffs. The Commission has also filed an action against Marquart-Wolfe Lumber Company (Marquart) in the Orange County Superior Court, Case No. 25-40-46, for the purpose of collecting a shipper penalty. By Decision No. 88073, on November 1, 1977, the Commission denied petitions for rehearing or modification of Decision No. 87751 which were filed by Wilson and Marquart. On November 30, 1977, Wilson filed a petition for writ of review of Decision No. 87751 with the California Supreme Court, S.F. No. 23733. Marquart similarly filed a petition for writ of review of that decision on December 1, 1977, S.F. No. 23739, and requested a stay of the decision.

In view of the filings by Wilson and Marquart with the Supreme Court and the fact that a stay of Decision No. 87751 will not harm any party, but that a failure to stay that decision may prejudice the petitioners,

THEREFORE IT IS ORDERED that Decision No. 87751 is hereby stayed until review of that decision by the California Supreme Court is completed and until further order of the Commission.

IT IS FURTHER ORDERED that the Executive Director shall cause a copy of this order to be mailed to all parties in this proceeding and to the Clerk of the California Supreme Court with reference to S.F. No. 23739, Marquart-Wolfe Lumber Company v. Public Utilities Commission of the State of California.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 6th day of DECEMBER, 1977.

Robert Bateman
President
William J. Quinn
Vernon L. Strayer
Richard P. Cavalle
Clare J. Delia
Commissioners