

ORIGINAL

Decision No. 88668 APR 4 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

THE NESTLÉ CO., INC.,

Complainant,

vs.

PACIFIC MOTOR TRUCKING COMPANY,

Defendant.

Case No. 10463

(Filed November 14, 1977)

O P I N I O N

Between August 15, 1975 and June 30, 1976, complainant made shipments of foodstuffs and chocolate products from Ripon and Salinas, California, to Fullerton, California, via defendant Pacific Motor Trucking Company. Overcharge claims totaling \$17,142.48 were filed against defendant by complainant and paid by defendant on various dates between March 26, 1976 and September 2, 1977. Defendant declined to voluntarily pay interest on the overcharge claims. Complainant seeks interest on all overcharges calculated from date of original freight bill payment to date of interest payment.

Pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure, all parties consented to the Expedited Complaint Procedure and waived the presence of a court reporter and a record of the hearing and findings of fact and conclusions of law. The matter was heard February 22, 1978 by Administrative Law Judge Burt E. Banks.

O R D E R

IT IS ORDERED that defendant shall pay interest on the amount of overcharges previously refunded computed at the rate of 7 percent per annum from the date of each original freight bill payment to date the overcharged amount for that freight bill was refunded. ✓

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

Dated at San Francisco, California, <sup>this</sup> 4th ~~that~~ day of APRIL, 1978.

Robert Bateman  
President  
William Brown Jr  
James L. Sturgeon  
Richard W. Howell  
Clair T. Deitch  
Commissioners