

Decision No. 88674 APR 4 1978

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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, charges, and practices of Walter J. Schafer and Wilford Schafer doing business as Schafer Bros. Transfer and Piano Movers, a partnership. OII No. 8 (Filed January 17, 1978)

OPINION

This is an investigation on the Commission's own motion, into the operations, rates, charges, and practices of Walter J. Schafer and Wilford Schafer doing business as Schafer Bros. Transfer and Piano Movers, a partnership (Schafer), for the purpose of determining whether Schafer violated Section 3737 of the Public Utilities Code by failing to comply with the requirements of Minimum Rate Tariff 2 (MRT 2), Item 250, by failing to collect transportation charges within the credit period therein specified; whether Schafer failed to comply with Item 255 of MRT 2 by not including sufficient information on some of its bills of lading; and whether Schafer failed to comply with Item 257 of said tariff by applying a unit of measure different from that in which the applicable tariff is stated.

On May 24, 1977, a Citation Forfeiture was served on Schafer alleging the violations outlined above. Schafer subsequently denied the Citation; therefore, the investigation was instituted by the Commission and a public hearing on the matter was scheduled for February 15, 1978. Prior to the scheduled hearing, the following stipulation was entered into, received as Exhibit 1, and the matter was taken off calendar.

"STIPULATION"

"The parties to the above-entitled order instituting investigation, by their respective counsel, hereby acknowledge and stipulate that they are in agreement on the following facts and issues:

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The staff of the California Public Utilities Commission conducted an investigation of the operations of Schafer Brothers Transfer and Piano Movers (Schafer) during the fourth quarter of 1976.

"2. During the period November, 1976 through February, 1977, SCHAFER transported property on the public highways of the State of California pursuant to a Radial Highway Common Carrier permit issued by this Commission.

"3. On December 8, 1976, SCHAFER transported an uncrated organ from Wallich's Music City Warehouse to a store of Wallich's Music City, recorded in SCHAFER's Bill of Lading No. 89343.

"4. On December 8, 1976, SCHAFER transported an uncrated piano from one retail store of Wallich's Music City to another retail store of the same shipper, recorded in SCHAFER's Bill of Lading No. 89344.

"5. On December 8, 1976, SCHAFER transported an uncrated piano from one retail store of Wallich's Music City to another retail store of the same shipper, recorded in SCHAFER's Bill of Lading No. 89345.

"6. The above-mentioned Bills of Lading were prepared in violation of California Public Utilities Code Section 3737 and Minimum Rate Tariff Item 255 in that SCHAFER failed to show weight information as required.

"7. The above-mentioned Bills of Lading were prepared in violation of California Public Utilities Code Section 3737 and Minimum Rate Tariff 2 Item 250 in that SCHAFER failed to present freight bills for collection within seven days and failed to collect charges within seven days of presentation.

"8. The above-mentioned Bills of Lading were prepared in violation of California Public Utilities Code Section 3737 and Minimum Rate Tariff 2 Item 257 in that the relevant charges were quoted and assessed by SCHAFER based upon a unit of measurement different from that in which the minimum rates and charges in that tariff are stated.

"9. In 1975, SCHAFER signed and paid a Citation Forfeiture for violation of Public Utilities Code Section 3774 in the sum of \$200 for failure to comply with Minimum Rate Tariff 2 Items 250 and 255.

"10. SCHAFER should be assessed a fine in the amount of \$750.00 for the violations described in paragraphs 6, 7, and 8 of this stipulation, pursuant to Section 3774 of the Public Utilities Code.

"11. The parties to this stipulation request that this matter be removed from calendar and be handled on an ex parte basis."

Findings of Fact

1. We adopt as our findings of fact paragraphs 1, 2, 3, 4, 5, 9, and 11 of the above stipulation (Exh. 1).
2. A public hearing is not necessary.

Conclusions of Law

We adopt paragraphs 6, 7, 8, and 10 of the above stipulation as our conclusions of law.

O R D E R

IT IS ORDERED that:

1. Walter J. Schafer and Wilford Schafer (Schafer) shall pay a fine of \$750 to this Commission pursuant to Public Utilities Code Section 3774 on or before the fortieth day after the effective date of this order. Schafer shall pay interest at the rate of seven percent per annum on the fine; such interest is to commence upon the day the payment of the fine is delinquent.

2. Schafer shall cease and desist from noncompliance with the requirements of Minimum Rate Tariff 2, specifically Items 250, 255, and 257.

3. The Executive Director of the Commission is directed to cause personal service of this order to be made upon respondents Schafer.

The effective date of this order shall be thirty days after completion of service on respondents.

Dated at San Francisco, California, this 4th day of APRIL, 1978.

Robert Bateman
President
William S. Quinn, Jr.
Vernon L. Sturgeon
Robert W. Swartz
Clair T. Smith
Commissioners