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ORIGINAL

Decision No. 88787 MAY 2 1978

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 SAND
TRANSPORTATION SERVICE, INC., a
California corporation, HILLSDALE ROCK
COMPANY, INC., a California corporation;
EULALIO GONZALES, an individual doing
business as AL GONZALES CONCRETE;
ZICOVICH ASSOCIATES, INC., a California
corporation, doing business as CONCRETE
SERVICE CO.; WILLIAM D. SMITH, INC., a
California corporation; and PELLEGRINI
PAVING COMPANY, INC., a California
corporation.

Case No. 9577

ORDER MODIFYING DECISION NO. 84889

Decision No. 84265 dated April 1, 1975 directed Sand Transportation Service (Sand) to collect \$13,877.78 in undercharges from the captioned shipper respondents and to pay a fine in the amount of the undercharges as well as a punitive fine of \$3,000.00. The punitive fine was paid.

By Decision No. 84889 dated September 10, 1975 Ordering Paragraph 2 of Decision No. 84265 was modified to authorize Sand to pay the undercharge fine in installments. Payments amounting to \$11,957.01 have been made on the undercharge fine, leaving a balance of \$1,920.77.

With regard to the collection of undercharges, which included the use of legal action as provided in Ordering Paragraph 3 of Decision No. 84265, respondent Sand has submitted evidence that \$3,205.23 of

the undercharge amount for respondent Hillsdale has been rendered uncollectible by the statute of limitations. Inasmuch as Sand has proceeded in apparent good faith to collect the undercharges available to it, it is concluded that the fine should be reduced to the amount that has been paid.

IT IS ORDERED that Ordering Paragraph 2 of Decision No. 84265 as modified by Decision No. 84889 is further modified by reducing the fine from \$13,877.78 to \$11,957.01.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 2nd day of MAY, 1978.

Robert Bateman
President
William Sproule Jr.
Vernon L. Sturgeon
Charles D. Hinkle
Clair T. Delmink
Commissioners