

ORIGINAL

Decision No. 89475 OCT 3 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 M & L TRUCKING COMPANY, INC., a California corporation, MACOMBER'S FOOD PRODUCTS, a California corporation, MACOMBER'S, INC., a California corporation, and PAN PACIFIC SCREW AND BOLT COMPANY, a Michigan corporation.

Case No. 10266
(Petition for Modification
filed June 28, 1977)

ORDER EXTENDING TIME TO FILE REPORTS

Decision No. 87448 dated June 7, 1977 included orders to M & L Trucking Company, Inc. (M & L) to collect undercharges in the amount of \$19,251.05 from Macomber's Food Products and Macomber's, Inc. (Macomber's) and \$1,641.63 from Pan Pacific Screw and Bolt Company (Pan Pacific), to pay a fine to this Commission in the amount of \$20,892.68, and to file monthly reports specifying the action taken to collect the undercharges until such undercharges have been collected in full or until further order of the Commission. The portion of the undercharge fine attributable to Pan Pacific (\$1,641.63) has been paid.

By Decision No. 87725 dated August 16, 1977, Decision No. 87448 was modified to include the amendment of Ordering Paragraph 8 to authorize a reduction of the fine in the amount of undercharges found to be uncollectible after M & L has exhausted the legal remedies available to it to effect collection.

By report dated August 8, 1978, M & L advises that (1) the involuntary bankruptcy of Macomber's is still pending before the United States District Court (Los Angeles); (2) while a settlement

has tentatively been worked out, no agreement has been submitted; (3) Macomber's has almost no liquid assets and has outstanding a \$17,000.00 tax lien from the U.S. Government which takes priority over claims by creditors such as M & L; (4) M & L is precluded by Bankruptcy Rule 401 from filing its claim as a creditor against Macomber's until a settlement agreement is submitted to and authorized by the Federal District Court; (5) no part of the undercharges ordered by the Commission to be collected from Macomber's by M & L has been collected; and (6) M & L will inform the Commission of any developments immediately upon learning them.

By petition dated August 8, 1978, "M & L respectfully requests the Commission to modify Ordering Paragraph 10 of Decision No. 87448 so as to require that M & L file quarterly reports rather than monthly to save M & L and the Commission the time and expense of preparing and reviewing, respectively, a proliferation of repetitive filings."

The Transportation Division has no objection to the requested modification. M & L's request is reasonable and should be granted. Because the date on which the first quarterly report became due was October 1, 1978, the effective date of this order should be made the date the decision is signed.

IT IS ORDERED that:

1. Ordering Paragraph 10 of Decision No. 87448 is amended to provide that the reports specified therein may be filed quarterly with the next report due on or before October 10, 1978. ✓

2. In all other respects Decision No. 87448, as modified by Decision No. 87725, shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 3rd day of OCTOBER, 1978.

Robert Bafant
 President
William S. Jones Jr.
Vernon L. Sturgeon
Richard D. Gault
Clair J. Deibel
 Commissioners