

ORIGINAL

Decision No. 91252 JAN 15 1980

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 WILSON ENTERPRISES, INC./WILSON TRANSPORTATION CO., and FAR WEST HOMES, INC., MOUNTAIN VALLEY RECREATIONAL VEHICLES, INC., PACO ENGINEERING CORP., SILVERCREST INDUSTRIES, INC. and ZIEMAN MANUFACTURING CO., California corporations, and KAUFMAN AND BROAD, INC., a Maryland corporation.

OII No. 34  
(Request for Modification  
filed November 23, 1979)

ORDER MODIFYING DECISION NO. 90229

In Decision No. 90229 dated April 24, 1979, the Commission found that Billie G. Wilson (Wilson), dba Wilson Transportation Co., the predecessor company to Wilson Enterprises, Inc., a corporation, undercharged respondents Far West Homes, Inc. (\$1,298.97), Mountain Valley Recreational Vehicles, Inc. (\$1,326.45), Kaufman and Broad Home Systems, Inc. (\$3,472.72), Paco Engineering Corp. (\$774.14), Silvercrest Industries, Inc. (\$4,592.86), and Ziemann Manufacturing Co. (\$9,911.60). In addition to ordering the collection of undercharges together with a fine in the total amount of the undercharges (\$21,376.74), Wilson was fined \$5,000.00 pursuant to Public Utilities Code Section 3774.

By letter from his attorney dated November 20, 1979, Wilson requests the decision of the Commission be modified so that the fine be eliminated, and in its place and stead, be substituted a permanent revocation of the operating authority currently held by Wilson Enterprises, Inc. The letter further states that the

Wilson's "virtually have no assets any longer and the imposition of a fine would constitute a great hardship upon them and they have made conscientious efforts to recover all alleged undercharges."

The Commission's records show that the undercharge fine of \$21,376.74 has been paid and undercharges in that amount collected pursuant to Ordering Paragraphs 2 and 3 of Decision No. 90229, respectively.

Public Utilities Code Section 3774 provides in part that a monetary fine, not to exceed \$5,000.00, is an alternative to the cancellation, revocation, or suspension of an operating permit or permits. The Commission staff recommends that the request be granted.

IT IS ORDERED that Ordering Paragraph 1 of Decision No. 90229 is modified to read as follows:

- "1. Pursuant to Public Utilities Code Section 3774 the radial highway common carrier permit and the agricultural carrier permit held in the name of Wilson Enterprises, Inc. are revoked."

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

Dated JAN 15 1980, at San Francisco, California.

*John E. Snyro*  
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 President

*Vernon L. Johnson*  
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*Richard W. Quirk*  
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*Charles J. ...*  
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*James ...*  
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 Commissioners