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Decision No. 91393 MAR 4 1980

ORIGINAL

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
MGM TRANSPORTATION COMPANY, INC.
and MODERN MATERIALS COMPANY, INC.,
California corporations.

OII No. 30

ORDER EXTENDING TIME

Decision No. 90235 dated April 24, 1979 directed MGM Transportation Company, Inc. (MGM) to collect \$37,217.37 in undercharges from Modern Materials Company, Inc. (Materials) and to pay a fine in the amount of the undercharges plus a punitive fine of \$2,800. The fines were due and payable on June 11, 1979. The punitive fine has been paid. The undercharges have not been collected, and the fine in the amount thereof has not been paid.

By Petition for Modification of Decision No. 90235 filed November 5, 1979 and letter dated January 7, 1980, MGM requests an extension of time to pay the undercharge fine and authority to file status reports of the action taken to collect the undercharges every six months rather than monthly as required by the decision. MGM states that (1) it does not have the financial resources to pay the fine until the undercharges are collected; (2) because of its inability to collect the undercharges, it filed a complaint on October 26, 1979 against Materials for the undercharges in the Superior Court of the County of Los Angeles; (2) it is most probable that under normal circumstances this case may not proceed to trial for at least two years; (4) it is actively prosecuting this matter; (5) as soon as the undercharges are collected the fine will be paid; and (6) for this reason, status reports every six months would be more appropriated. SS

We find that MGM's request is reasonable and conclude that it should be granted as provided in the order which follows. Because of the immediate need for the requested authority, the order will be made effective on the date of signature.

IT IS ORDERED that:

1. The time within which the fine of \$37,217.37 referred to in Ordering Paragraph 2 of Decision No. 90235 shall be paid is extended to the date the undercharges referred to in Ordering Paragraph 3 of the decision are collected and in no event later than December 31, 1981.
2. The time within which the status reports of action taken to collect undercharges required by Ordering Paragraph 4 of Decision No. 90235 shall be filed is extended to every six months, with the first such report due July 7, 1980 and each succeeding report due on the first Monday of each six month period thereafter until the undercharges have been collected in full.
3. In all other respects, Decision No. 90235 shall remain in full force and effect.

The effective date of this order is the date hereof.

Dated MAR 4 1980, at San Francisco, California.

John E. Byron
President
William L. Steyer
Richard W. Howell
Ronald W. Smith
Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.