

ORIGINAL

Decision No. 92133 , AUG 19 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)
 Anthony Thomas Azevedo, an)
 individual, doing business as)
 Azevedo Transport; and John)
 Dalerio, Paul Dalerio, and Allied)
 Container Corporation, doing)
 business as Dalerio Pallet and)
 Shook Co., a co-partnership.)

OII No. 57
 (Request for Modification
 filed May 30, 1980)

ORDER MODIFYING DECISION NO. 91246

In Decision No. 91246 we ordered Anthony Thomas Azevedo (Azevedo), dba Azevedo Transport, to pay an undercharge fine of \$7,905.15, plus a punitive fine of \$5,000. We gave Azevedo the option of paying off the latter fine in consecutive monthly installments of \$500 each. By letter dated May 30, 1980 Azevedo's attorney represents that while Azevedo collected the undercharges, Azevedo suffered three heart attacks in January and February 1980 and requests that he be permitted to pay off the undercharge fine in monthly installments of \$500 after he completes payment of the punitive fine. The staff of the Commission's Transportation Division has confirmed Azevedo's representations and feels that the interests of justice would best be served in granting the requested modification.

Therefore, IT IS ORDERED that Ordering Paragraph 6 of Decision No. 91246 is amended to read as follows:

- 6. Anthony Thomas Azevedo may elect to pay the sum of the two fines, with interest where provided, levied by Ordering Paragraphs 1 and 2 in consecutive monthly installments of \$500 each (the last installment to equal the balance due), the first installment to be paid on or before the thirtieth day of the month following the month this order becomes effective, and the remaining installments on or before the thirtieth day of each month thereafter until the fines are paid in full; provided, however, that if any installment payment is not paid when due, then the entire balance of the fines and interest, if any, ~~are~~ due and owing. Payments made shall first be applied toward satisfaction of the fine and interest, if any, levied in Ordering Paragraph 2, after which payments shall be applied toward satisfaction of the fine levied in Ordering Paragraph 1.

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

Dated AUG 19 1980, at San Francisco, California.

Commissioner Richard D. Gravello, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Byron
President
Thomas L. Sturgeon

Charles J. DeLuca
Donald W. Jones
Commissioners