

93171

JUN 2 1981

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates and practices of NOVIS ARNOLD, dba MST Moving Service, a sole proprietorship.

OII 69
(Filed April 2, 1980)

O P I N I O N

Novis Arnold (respondent), doing business as MST Moving Service, holds a household goods carrier permit and a highway contract carrier permit.

This investigation was initiated to determine whether respondent violated Sections 5139, 5193 and 5245 of the Public Utilities Code while operating as a household goods carrier. Among the topics to be investigated was whether respondent should be ordered to pay shippers the difference between the charges collected and the maximum charges applicable and whether respondent should be assessed underestimating penalties under Item 33.7 of Minimum Rate Tariff 4-B.

On October 7, 1980 the staff and respondent submitted a stipulation that between January 11, 1978 and March 31, 1978, 23 shippers of household goods had been overcharged a total of \$752.69. It was stipulated that underestimating penalties totaling \$724.39 had been incurred. It was further stipulated that respondent had paid overcharges totaling \$266.23 and penalties in the same amount.

Respondent agreed it would pay to the appropriate shippers the remaining overcharges of \$486.46 and to the Commission, the remaining underestimating penalties of \$458.16. It has now completed such payments.

We find that respondent overcharged in the amount of \$752.69 and incurred underestimating penalties totaling \$724.39 on 23 shipments specified in the stipulation. We further find that respondent

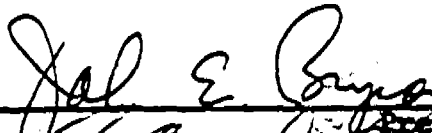
has repaid all overcharges to the 23 shippers involved, and paid the Commission the total amount of penalties due. We conclude that this investigation should be discontinued.

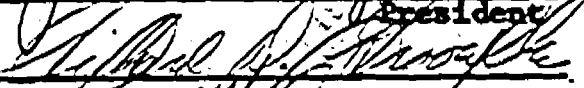
O R D E R


IT IS ORDERED that this investigation is discontinued.

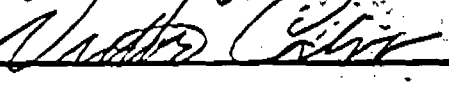
This order becomes effective 30 days from today.

Dated JUN 2 1981, at San Francisco, California.



President






Commissioners

Commissioner Priscilla C. Grew, being necessarily absent, did not participate in the disposition of this proceeding.