

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution CE 6-86
Transportation Division

7-3

**RESOLUTION SUSPENDING AND REVOKING THE OPERATING AUTHORITY OF
RANDALL FOREST HARLEMAN, DOING BUSINESS AS H. & H. FREIGHT LINES & LEASING
FOR FAILURE TO COMPLY WITH UNDERCHARGE CITATION NO. F-2778**

WHEREAS: On June 5, 1985, Randall Forest Harleman, dba H. & H. Freight Lines & Leasing, was served with Undercharge Citation No. F-2778 (a copy of which is attached); and

WHEREAS: The carrier opted to pay a fine and not contest the charges set forth in the citation; and

WHEREAS: The carrier has failed to comply with the requirements of the citation after agreeing to do so in writing;

THEREFORE: IT IS ORDERED that:

- 1) All the operating authority of the above-named carrier is suspended for a period of 30 days, or until compliance. The carrier may not operate during suspension.
- 2) If by the end of the 30-day period the carrier has not complied with the terms of the citation nor filed for a hearing, then all the operating authority of the above-named carrier will be automatically revoked.
- 3) Filing of a request for hearing will stay the revocation of operating authorities, but the suspension will remain in force. The carrier may not operate.
- 4) During a hearing, the burden of proof will be on the carrier to show why the revocation should not take place.

The Executive Director is directed to mail a certified copy of this resolution to Randall Forest Harleman, dba H. & H. Freight Lines & Leasing.

This resolution is effective today.

I hereby certify that the foregoing resolution was duly introduced, passed and adopted at a regular meeting of the Public Utilities Commission of the State of California, held on JUN 25 1986. The following Commissioners approved it.

DONALD VIAL
President
VICTOR CALVO
PRISCILLA C. GREW
FREDERICK R. DUDA
STANLEY W. HULETT
Commissioners



Executive Director



Public Utilities Commission
STATE OF CALIFORNIA

UNDERCHARGE CITATION FOR VIOLATION 7-12,466
OF PUBLIC UTILITIES CODE

Date: June 5, 1985
No: P-2778

To Randall Forest Marlowen d/b
N. & N. FREIGHT LINES & LEASING
Dalton City

You are hereby cited with having violated Section(s) 3664 and 3737
of the Public Utilities Code by assessing rates and charges less than the
applicable transition tariff rates and charges shown on the attached
rate exhibit.

You are hereby called upon to answer this citation in person (or by a duly
authorized officer or agent if a corporation) or by attorney on or before
July 5, 1985.

By way of such answer you may either:

(1) State you will not contest this citation and will pay a fine^{FN} in the sum of
\$ 5,479.20 pursuant to Section(s) 3800 of the Public
Utilities Code for which purpose you may use the enclosed Form 1; or

(2) Deny this citation for which purpose you may use the enclosed Form 2. In
such event, a formal hearing may be held which might involve violations in addition
to those listed above.

^{FN} Payment of such fine may be by check or money order payable to Public Utilities Commission of the State of
California.

Such answer should be addressed to:

Public Utilities Commission
State of California
Enforcement Section
State Building
San Francisco, California 94102

and deposited in the mail on or before the date hereinabove specified.

Upon payment of the fine hereinabove specified, it will be deposited in the State Treasury to the credit of the General Fund pursuant to said Section(s) 3870, and no further proceedings before the Commission will be had with respect to the matter described in this citation provided you proceed diligently to take all reasonable steps including legal action to collect any and all undercharges that may be due from any person or persons as a result of the transportation hereinabove described. If you should fail to take such steps, the Commission may institute a formal investigation on its own motion to inquire into the circumstances of such failure.

Failure to answer this citation in either of the ways hereinabove described or to collect the undercharges may itself be considered by the Commission in a formal proceeding commenced on its own motion as a distinct violation of law, and may itself be cause for canceling, revoking, or suspending your operating authority, or imposing upon you a fine pursuant to Section(s) 8774 of the Public Utilities Code.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA

/s/

P. J. TRAHAN
Assistant Director
Transportation Division

Enclosures