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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
motion into the operations, rates, and)
practices of Marino Bros. Trucking Co.)
a California corporation,)
Respondent.)

ORIGINAL

FILED
PUBLIC UTILITIES COMMISSION
SAN FRANCISCO OFFICE
JANUARY 15, 1991
I.91-01-010

ORDER INSTITUTING INVESTIGATION

Marino Bros. Trucking Co. (Respondent Carrier) (Marino) whose mailing address is 3516 Newton Road Stockton, California 95205, is engaged in the business of transporting property over the public highways of this state for compensation. Marino operates pursuant to a highway common carrier certificate issued June 12, 1956, a highway contract carrier permit issued November 11, 1956, a dump truck carrier permit issued April 23, 1970, an agricultural carrier permit issued July 25, 1978 and a heavy specialized carrier permit issued July 27, 1981.

The following shipper has received services from respondent Marino Bros. Trucking Co. in the form of transportation of property over the public highways of this state for compensation: Posco-West Corp., dba USS-POSCO Industries, Pleasant Hill, California.

It appears that respondent Marino may have provided this shipper with transportation services over the public highways of this state for compensation at rates less than the applicable rates.

It also appears, after Commission staff review of relevant documents and records, that the respondent may have violated Sections 494, 702 and 3737 of the Public Utilities Code. On June 29, 1989, an undercharge citation with a fine of \$5,201.51 and later, on March 27, 1990, a citation forfeiture with a fine of \$1,500.00 were served on the respondent carrier. The carrier failed to comply with the undercharge citation and

failed to respond to the citation forfeiture. The citations were then deemed denied.

Good cause appearing; therefore,

IT IS ORDERED that an investigation on the Commission's own motion is hereby instituted into the operations, rates, charges, and practices of respondent Marino for the purpose of determining:

1. Whether respondent Marino has violated Sections 702 and 3737 of the Public Utilities Code and General Order 102-H by failing to timely pay subhaulers.

2. Whether respondent Marino should be ordered to review its records and remit past due balances to subhaulers, including amounts set forth in the transportation records listed in Attachment B.

3. Whether respondent Marino has violated Section 494 of the Public Utilities Code by failing to charge shipper USS-POSCO Industries the applicable rates.

4. Whether in the event that sums less than the applicable rates are found to have been charged, collected or received, during the period June 1, 1987 to and including September 30, 1987, a fine in the amount of the undercharges should be imposed upon respondent Marino pursuant to Section 2100 of the Public Utilities Code;

5. Whether any or all of respondent Marino's operating authority should be cancelled, revoked, or suspended, or in the alternative, a fine imposed pursuant to Sections 1070, 3774, 2108 and 3805 of the Utilities Code.

6. Whether respondent Marino should be ordered to cease and desist from any and all unlawful operations and practices.

7. Whether any other orders that may be appropriate should be entered in the lawful exercise of the Commission's jurisdiction.

A public hearing in this matter shall be held before an Administrative Law Judge of the Commission at a time and place to be determined, at which time and place all interested parties may appear and be heard.

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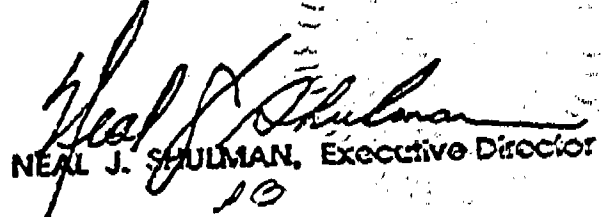
The Executive Director is directed to cause a certified copy of this order to be served by mail on the respondent, Marino Bros. Trucking Co. The Executive Director is also directed to cause a certified copy of this order to be served personally forthwith on respondent Marino Bros. Trucking Co.

This order is effective today.

Dated January 15, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SHULMAN, Executive Director
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MARINO BROS. TRUCKING CO.
Stockton

T- 58,776

DEBTOR: USS-POSCO INDUSTRIES
Pleasant Hill, California

<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>
1	3678	7-16-87
2	33281	7-17-87
3	34930	7-16-87
4	34931	7-20-87
5	3680	7-21-87
6	3863	7-23-87
7	3702	7-22-87
8	32985	7-24-87
9	3917	7-24-87
10	3682	7-27-87
11	4018	7-29-87
12	11288	7-29-87
13	29861	7-30-87
14	3922	7-30-87
15	3690	7-31-87
16	33379	7-31-87
17	3753	7-31-87
18	3809	8-03-87
19	32503	8-04-87
20	32461	8-03-87
21	4024	8-04-87
22	32276	8-06-87
23	3927	8-06-87
24	27187	8-07-87
25	32411	8-10-87
26	32312	8-11-87
27	30488	8-12-87
28	32422	8-12-87
29	32272	8-12-87
30	3933	8-13-87
31	32314	8-14-87
32	32531	8-17-87
33	32425	8-17-87
34	29737	8-19-87

Attachment A

<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>
35	3842	8-20-87
36	3849	8-20-87
37	4316	8-21-87
38	32670	8-21-87
39	3757	8-25-87
40	32592	8-24-87
41	32595	8-26-87
42	32307	8-05-87
43	32528	8-12-87
44	32666	8-25-87
45	39585	8-26-87
46	17452	8-26-87
47	39379	8-27-87
48	39489	8-28-87
49	3759	8-28-87
50	3854	8-28-87
51	39588	8-30-87
52	39382	9-01-87
53	32327	9-02-87
54	39410	9-02-87
55	39486	9-02-87
56	3859	9-03-87
57	39723	9-03-87
58	7756	9-04-87
59	35556	9-04-87
60	39490	9-04-87
61	39724	9-04-87
62	39843	9-08-87
63	39846	9-04-87
64	35686	9-08-87
65	3861	9-09-87
66	7779	9-09-87
67	35533	9-09-87
68	29492	9-09-87
69	30479	9-10-87
70	35535	9-10-87
71	35665	9-10-87

END OF ATTACHMENT A

I.91-01-010

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Attachment B

MARINO BROS. TRUCKING CO.
Stockton

T- 58,776

UNPAID SUBHAULERS/BALANCES DUE

Subhauler	Part	Balance Due
<u>T-134,948</u> AG TRANSPORT P.O. Box 385 Arbuckle, CA 95912	1	\$ 2,385.71
<u>T-78,452</u> Jay Delozier P.O. Box 964 Dixon, CA 95620	2	\$ 5,774.47
<u>T-136,188</u> Dan Foley Trucking P.O. Box 964 Dixon, CA 95620	3	\$ 449.10
<u>T-92,050</u> McCorkle Farms, Inc. Rt 1, Box 6065 Glenn, CA 95943	4	\$ 2,290.25
<u>T-6,370</u> Meehan Trucking P.O. Box 162 Maxwell, CA 95955	5	\$ 7,509.79
<u>T-31,460</u> Superior California Trucking 604 Galveston St. West Sacramento, CA 95691-2212	6	\$ 3,724.19
<u>T-119,854</u> Valley Farm Transport, Inc. P.O. Box 506 Dixon, CA 95620	7	\$ 813.07
		Total Outstanding: <u>\$ 22,946.58</u>

END OF ATTACHMENT B

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