

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA:

Investigation on the Commission's own )  
 motion into the operations, rates, and )  
 practices of Clinton Eugene Ford, an )  
 individual doing business as Clinton )  
 Eugene Ford Trucking, Davis Earthmoving )  
 Company, Inc. a California corporation )  
 and Mikles Excavating and Land )  
 Clearing, Inc., a California )  
 corporation as Shipper Respondents, )  
 Respondents. )

**ORIGINAL**

**FILED**  
**PUBLIC UTILITIES COMMISSION**  
**JULY 2, 1991**  
**SAN FRANCISCO OFFICE**  
**I.91-07-002**

**ORDER INSTITUTING INVESTIGATION**

Clinton Eugene Ford dba Clinton Eugene Ford Trucking (Respondent Carrier) (Ford) whose mailing address is 18661 Beech Avenue, Shafter, California 93263, is engaged in the business of transporting property over the public highways of this state for compensation. Ford operates pursuant to a heavy specialized carrier permit and a dump truck carrier permit both issued June 13, 1985. (T-96,028)

The following respondents, referred to as ("respondent shippers"), have received services from respondent Clinton Eugene Ford Trucking in the form of transportation of property over the public highways of this state for compensation, and as such are shippers of property:

**RESPONDENT SHIPPER**

Mikles Excavation &  
 Land Clearing, Inc.  
 10951 Jacinto Way  
 Saticoy, CA 93004

Davis Earthmoving Company, Inc.  
 P.O. Box 808961/1612 Earthmover Ct.  
 Bakersfield, CA 93380

**PROCESS AGENT**

Scott A. Mikles, CEO  
 Mickles Excavation &  
 Land Clearing, Inc.  
 198 Via Baja  
 Ventura, CA 93003

Dale W. Davis  
 1701 Westwind Dr.  
 Bakersfield, CA 93301

It appears that respondent Ford may have provided the respondent shipper with transportation services over the public highways of this state for compensation at rates less than the minimum rates established by the Commission in Minimum Rate Tariff 7-A.

It further appears, after Commission staff review of relevant documents and records, that the carrier may have violated Sections 3664, 3667 and 3737 of the Public Utilities Code. On May 20, 1991, an undercharge citation and a citation of forfeiture, with fines of \$ 25,902.03 and \$ 2,500.00 respectively were served on the respondent carrier. The carrier denied the undercharge citation.

Good cause appearing; therefore,

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

1. Whether respondent Ford has violated Section 3737 of the Public Utilities Code by failing to issue a freight bill for each shipment containing all of the information required by Item 170 of Minimum Rate Tariff 7-A.

2. Whether respondent Ford, in transporting base rock, in bulk, for the respondent shippers, violated Sections 3664, 3667 and 3737 of the Public Utilities Code by failing to assess and collect the applicable minimum rates as set forth in Minimum Rate Tariff 7-A.

3. Whether in addition to the transportation records listed in Attachments A and B, and the staff rate exhibits, respondent Ford should be ordered to review its records for the period September 1, 1988 to and including December 31, 1989 for the purpose of ascertaining the amount of undercharges on shipments of base rock, in bulk, transported during that period.

4. Whether in the event that sums less than the applicable rates are found to have been charged, collected or received, during the period July 1, 1988 to and including December 31,

1989, a fine in the amount of the undercharges should be imposed upon respondent Ford pursuant to Section 3800 of the Public Utilities Code;

5. Whether respondent shippers, or persons liable therefore, have paid less than the applicable minimum rates and charges in Minimum Rate Tariff 7-A for transportation performed by respondent carrier Ford;

6. Whether respondent Ford should be ordered to collect from the respondent shipper the difference between payments actually received and the applicable rates and charges pursuant to Section 3800 of the Public Utilities Code;

7. Whether any or all of respondent Ford's operating authority should be cancelled, revoked, or suspended, or in the alternative, a fine of up to \$ 20,000 for each offense be imposed pursuant to Sections 3774 and 3805 of the Utilities Code.

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

9. 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.

*[Faint, illegible text and a circular stamp or seal are visible in the lower-left quadrant of the page.]*

The Executive Director shall cause a certified copy of this order to be served by mail on all respondents, shippers and Clinton Eugene Ford Trucking. The Executive Director is also directed to cause a certified copy of this order to be served personally on respondent Clinton Eugene Ford Trucking.

This order is effective today.

Dated July 2, 1991, at San Francisco, California

PATRICIA M. ECKERT

President

G. MITCHELL WILK

JOHN B. OHANIAN

DANIEL W. FESSLER

NORMAN D. SHUMWAY

Commissioners

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

NEAL J. SHULMAN, Executive Director

Attachment A

CLINTON EUGENE FORD TRUCKING

Shafter

T- 96,028

DEBTOR: MIKLES EXCAVATION & LAND CLEARING, INC.  
Saticoy, California

Part No.	Freight Bill No.	Date
1	3697	7-15-88
2	3699	7-15-88
3	3700	7-18-88
4	4662/63	7-18-88
5	4664	7-19-88
6	3926	7-20-88
7	4668/69	7-20-88
8	3927	7-21-88
9	4361	7-28-88
10	4363	7-29-88
11	4226	7-26-88
12	4306	7-26-88
13	4359	7-26-88
14	3844	7-26-88
15	4067	7-26-88
16	4187	7-26-88
17	4078	7-26-88
18	6001	7-26-88
19	3932	7-26-88
20	3983	7-27-88
21	4362	7-28-88
22	3847	7-28-88
23	4993	7-28-88
24	2750	7-28-88
25	4190	7-28-88
26	4018	7-28-88
27	4309	7-28-88
28	4081	7-28-88
29	4647	7-28-88
30	3935	7-28-88
31	4364	7-29-88
32	4019	7-29-88
33	3848	7-29-88
34	4650	7-29-88

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Attachment A

Part No.	Freight Bill No.	Date
35	4082	7-29-88
36	3936	7-29-88
37	4193	7-29-88
38	4994	7-29-88
39	4310	7-29-88
40	3852	7-29-88
41	3853	7-30-88
42	4083	7-30-88
43	4068	7-30-88
44	3937	7-30-88
45	4311	7-30-88
46	4020	7-30-88
47	4365	7-30-88
48	4194	7-30-88
49	3984	7-30-88
50	4509	7-30-88
51	4985	7-30-88
52	4021	8-01-88
53	3938	8-01-88
54	4195	8-01-88
55	4084	8-01-88
56	4366	8-01-88
57	4510	8-01-88
58	4276	8-01-88
59	3849	8-01-88
60	4773	8-02-88
61	4367	8-02-88
62	4023	8-02-88
63	3939	8-02-88
64	4512	8-02-88
65	4086	8-02-88
66	4196	8-02-88
67	4229	8-02-88
68	4197	8-03-88
69	4024	8-03-88
70	3861	8-03-88
71	4774	8-03-88
72	4513	8-03-88
73	4087	8-03-88
74	4368	8-03-88

INVESTIGATION

ATTACHMENT A

<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>	<u>Amount</u>
75	4321	8-03-88	300
76	3940	8-03-88	300
77	4230	8-03-88	300
78	4369	8-04-88	300
79	3908	8-04-88	300
80	4231	8-04-88	300
81	4198	8-04-88	300
82	4088	8-04-88	300
83	4514	8-04-88	300
84	3862	8-04-88	
85	4322	8-04-88	
86	4025	8-04-88	
87	3941	8-04-88	
88	4515	8-05-88	
89	4199	8-05-88	
90	4232	8-05-88	
91	4323	8-05-88	
92	3863	8-05-88	
93	4089	8-05-88	
94	4371	8-05-88	
95	3909	8-05-88	
96	6003	8-05-88	
97	4775	8-05-88	
98	4516	8-06-88	
99	2535	8-06-88	
100	3942	8-06-88	
101	4277	8-06-88	
102	4372	8-06-88	
103	6004	8-06-88	
104	4233	8-06-88	
105	4200	8-06-88	
106	3910	8-06-88	
107	3864	8-06-88	
108	3843	8-08-88	
109	4518	8-08-88	
110	4091	8-08-88	
111	6006	8-08-88	
112	3911	8-08-88	
113	4234	8-08-88	
114	4373	8-08-88	
115	6005	8-08-88	

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ATTACHMENT A

<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>	<u>BY</u>
116	4092	8-09-88	37
117	4374	8-09-88	37
118	6007	8-09-88	37
119	3912	8-09-88	37
120	4235	8-09-88	37
121	3944	8-09-88	37
122	4519	8-09-88	37
123	3985	8-09-88	37
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EXHIBIT

ATTACHMENT B

CLINTON EUGENE FORD TRUCKING  
Shafter

T- 96,028

DEBTOR: DAVIS EARTHMOVING COMPANY, INC.  
Bakersfield

Part No.	Freight Bill No.	Date
1	5295	7-07-88
2	5122	7-07-88
3	4136	7-07-88
4	5296	7-07-88
5	4137	7-07-88
6	5123	7-07-88
7	6241	7-11-88
8	4005	7-11-88
9	3842	7-11-88
10	3981	7-11-88
11	3096	7-11-88
12	6242	7-11-88
13	4797	7-11-88
14	5124	7-11-88
15	5297	7-11-88
16	4139	7-11-88
17	3696	7-11-88
18	5298	7-12-88
19	4006	7-12-88
20	5125	7-12-88
21	4140	7-12-88
22	4890	7-20-88
23	4178	7-20-88
24	4010	7-20-88
25	3903	7-20-88
26	3811	7-20-88
27	4891	7-21-88
28	4184	7-21-88
29	4013	7-21-88
30	3929	7-21-88
31	3406	7-21-88
32	3812	7-21-88
33	3930	7-21-88
34	4014	7-22-88

ATTACHMENT B

<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>
35	4351	7-22-88
36	3907	7-22-88
37	4892	7-22-88
38	3813	7-22-88
39	4185	7-22-88
40	3931	7-22-88
41	4308	7-27-88
42	4900	7-27-88
43	3851	7-27-88
44	4992	7-27-88
45	4080	7-27-88
46	3934	7-27-88
47	3846	7-27-88
48	4227	7-27-88
49	4201	7-27-88
50	4189	7-27-88
51	3904	7-20-88
52	3905	7-21-88
53	4895	7-22-88
54	4012	7-20-88
55	4177	7-20-88
56	4011	7-20-88
57	4181	7-21-88
58	4180	7-21-88
59	4182	7-21-88
60	4183	7-21-88
61	4179	7-21-88
62	4896	7-22-88
63	4897	7-22-88
64	4353	7-22-88
65	4354	7-22-88
66	6002	7-22-88
67	4206	7-27-88
68	4054	7-27-88
69	4053	7-27-88
70	4203	7-27-88

## ATTACHMENT B

<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>
71	4355	7-27-88
72	4204	7-27-88
73	4202	7-27-88
74	4205	7-27-88
75	6226	7-07-88
76	6227	7-07-88
77	6228	7-07-88
78	6229	7-07-88
79	6230	7-07-88
80	6231	7-07-88
81	6232	7-07-88
82	6233	7-08-88
83	6334	7-08-88
84	6235	7-08-88
85	6236	7-08-88
86	6237	7-08-88
87	6238	7-08-88
88	6239	7-20-88
89	6240	7-21-88