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**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own )  
motion into the operations, rates, and )  
practices of Wallace Albert Brown, Jr. )  
dba Brown Trucking, Respondent. )

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**FILED**  
**PUBLIC UTILITIES COMMISSION**  
**NOVEMBER 6, 1991**  
**SAN FRANCISCO OFFICE**  
**I.91-11-003**

**ORDER INSTITUTING INVESTIGATION**

Wallace Albert Brown Jr., dba Brown Trucking (Brown) is hereby named as respondent carrier, whose mailing address is 10394 La Duena Way, San Diego, California 92124, and is engaged in the business of transporting property over the public highways of this state for compensation. Brown operates pursuant to a highway common carrier certificate issued July 6, 1990 and a highway contract carrier permit issued September 15, 1978. (T-124,615)

The following shipper has received services from respondent Brown in the form of transportation of property over the public highways of this state for compensation, and as such is a shipper of property:

Star, Inc. dba  
California Roofers Supply  
2555 Flores St., #590  
San Mateo, CA 94403

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

It further appears, after Commission staff review of relevant documents and records, that the above named carrier may have violated Sections 3667 and 3737 of the Public Utilities Code. On August 25, 1989, an undercharge citation and a citation.

forfeiture, with fines of \$14,799.84 and \$750.00 respectively were served on the respondent carrier. The carrier paid the \$750 citation forfeiture fine. On December 23, 1989 Brown executed a written "Fine Payment Agreement" with the staff. The agreement provided that Brown Trucking could pay the \$14,799.84 fine imposed by Undercharge Citation No. F-3819A in monthly installments of \$1,200 commencing February 1, 1990 and to pay the fine as the undercharges named in the citation are collected. Although one partial payment of \$500 was remitted in May, 1990, no further payments have been received and a balance of \$14,299.84 remains. A subsequent staff investigation indicates that although respondent Brown apparently collected the undercharges from the shipper, Star, Inc., respondent Brown has not otherwise complied with the citation.

The shipper is not named as a respondent in this investigation because staff has evidence that the shipper paid the undercharges to the respondent carrier.

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 Brown for the purpose of determining:

1. Whether respondent Brown has violated Section 3737 of the Public Utilities Code by failing to issue a freight bill or each shipment containing all of the information required by General Order 155.
2. Whether respondent Brown has violated Section 3667 of the Public Utilities Code by failing to charge respondent shipper the applicable rates.
3. Whether a fine in the amount of any proven undercharges should be assessed against respondent Brown pursuant to Section 3800 of the Public Utilities Code.
4. Whether any or all of respondent Brown's operating authority should be cancelled, revoked, or suspended, or in the

alternative, a fine imposed pursuant to Section 3774 of the Public Utilities Code.

5. Whether respondent Brown should be ordered to cease and desist from any and all unlawful operations and practices, and 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.

The Executive Director is directed to cause a certified copy of this order to be served personally on respondent Wallace Albert Brown, Jr. dba Brown Trucking.

This order is effective today.

Dated November 6, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

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

  
NEAL J. SHULMAN, Executive Director

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## Attachment A

Wallace Albert Brown, Jr. dba  
BROWN TRUCKING  
San Diego

T-124,615

DEBTOR: STAR, INC. dba California Roofers Supply  
San Mateo, California

<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>
1	9138	6-02-88
2	9142	6-02-88
3	8601	6-03-88
4	8602	6-03-88
5	8604	6-06-88
6	8606	6-07-88
7	8607	6-07-88
8	8608	6-08-88
9	8609	6-09-88
10	8610	6-09-88
11	8611	6-10-88
12	8616	6-15-88
13	8617	6-16-88
14	8618	6-16-88
15	8619	6-17-88
16	8620	6-20-88
17	8622	6-20-88
18	8623	6-21-88
19	8625	6-22-88
20	8626	6-22-88
21	8624	6-23-88
22	8628	6-24-88
23	8629	6-24-88
24	8631	6-27-88
25	8634	6-27-88
26	8637	7-01-88
27	8638	7-01-88
28	8639	7-05-88
29	8640	7-06-88
30	8641	7-06-88
31	8642	7-07-88
32	8643	7-07-88
33	8644	7-08-88
34	8645	7-08-88
35	8646	7-11-88
36	804	7-25-88
37	803	7-26-88
38	805	7-27-88
39	808	7-31-88

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<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>
40	809	8-01-88
41	810	8-02-88
42	811	8-02-88
43	812	8-03-88
44	813	8-03-88
45	814	8-04-88
46	815	8-04-88
47	817	8-08-88
48	818	8-08-88