

ORIGINAL

Decision No. 47674

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation of passenger stage operations)
of PAUL W. DIEFENBACH (WEST ORANGE TRANSIT)
COMPANY), to determine whether operative)
rights should be suspended or revoked for) Case No. 5383
failure to comply with the insurance)
requirements of General Order No. 101.)

John Power represented the Public Utilities Com-
mission's staff. John V. Cooper, for respondent,
Paul W. Diefenbach. J. R. Britton, interested
party.

O P I N I O N

This is an investigation on the Commission's own motion
inquiring into the passenger stage operations of Paul W. Diefenbach (1)
for the purpose of determining whether his operating rights should
be suspended or revoked for failure to comply with the provisions
of General Order No. 101, particularly, his failure, if any, to
provide and maintain adequate protection against liability imposed
by law upon such carriers for the payment of damages for personal
bodily injuries (including death resulting therefrom), and for
loss or damage to property of others, in amounts as set forth in
said general order.

A public hearing was held at Los Angeles before Examiner
Chiesa.

Respondent's attorney, having waived the ten days'
notice of hearing and having informed the Commission that he and
his client had received the notice of hearing in sufficient time

(1) Decisions Nos. 45460, 45978, 46475 and 46574.

to make adequate preparation for the hearing, voluntarily consented to the adduction of evidence.

The evidence shows and we find that respondent Paul W. Diefenbach, doing business as West Orange Transit Company, is a duly authorized "passenger stage corporation" as defined in Section 226 of the Public Utilities Code; that said respondent had knowledge of the provisions of the Commission's General Order No. 101 requiring passenger stage corporations to provide and maintain insurance protection against personal bodily injuries and property damage as provided in said order; that said respondent was advised by members of this Commission's staff on several occasions of the necessity of complying with the requirements of said order; that respondent has not obtained the insurance protection as required by General Order No. 101, nor has he filed with this Commission evidence of adequate protection against such liability, nor has respondent applied to qualify as a self-insurer or to obtain approval of other securities or agreements of indemnity for the protection of the public.

Having fully considered the evidence, the Commission is of the opinion and concludes that respondent Paul W. Diefenbach has violated the provisions of General Order No. 101 (Decision No. 46269, Case No. 5298) and that it is not in the public interest to permit said respondent to continue to operate as a passenger stage corporation.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and having made its findings of fact and conclusions hereinabove set forth,

IT IS ORDERED that the operative rights of Paul W.

Diefenbach for the transportation of persons between the points and places and along the routes as set forth in Decisions Nos. 45460, 45978, 46475 and 46574, and all effective tariffs and timetables on file and pertaining thereto be, and they hereby are, suspended until the further order of this Commission.

IT IS FURTHER ORDERED that unless respondent, Paul W. Diefenbach, on or before 60 days after the effective date of this order, shall have obtained the liability insurance pursuant to General Order No. 101, or otherwise qualified thereunder, and shall have applied to this Commission for the reestablishment of said passenger stage service, the Commission by subsequent order shall revoke the above-mentioned operative rights and shall cancel and annul all effective tariffs and timetables on file.

IT IS FURTHER ORDERED that the effective date of this order shall be the date hereof.

IT IS FURTHER ORDERED that the Secretary of this Commission cause service of this order to be made upon respondent, Paul W. Diefenbach.

Dated at San Francisco, California, this 2nd day of September, 1952.

[Signature]
[Signature] PRESIDENT
[Signature]
[Signature]

COMMISSIONERS