

Decision No. 60436

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into the operations
and practices of A. BLASI
TRANSPORTATION, a California
corporation.

Case No. 6383

Frank Loughran, for respondent.

Elmer Sjostrom, for the Commission staff.

O P I N I O N

This proceeding, instituted November 17, 1959, is an investigation on the Commission's own motion into the operations and practices of A. Blasi Transportation, a California corporation, for the following purposes:

1. To determine whether the respondent is violating or has violated any of the provisions of said General Order No. 99.
2. To determine whether the respondent should be ordered to cease and desist from any or all unlawful operations and practices.
3. To determine whether any or all of the operating authority of said respondent should be canceled, revoked or suspended.
4. To issue any other order that may be appropriate and lawful in the premises.

A certified copy of the order of investigation was duly served upon respondent by delivering it by registered mail to A. Blasi, its president.

A public hearing was held in San Francisco on May 26, 1960, before Examiner Rowe. Oral and documentary evidence was adduced. By stipulation it appears that respondent was duly served with a copy of General Order No. 99 and also that respondent violated such general order during June and July, 1959 by permitting its drivers

in its petroleum contract service to work longer than the maximum permitted in approximately thirty instances. Further, the staff's Exhibit No. 1 stipulated to by the respondent as being correct shows clearly that in a number of cases the driver's logs failed to indicate excess hours, whereas the payroll records showed hours in excess of those permitted by General Order No. 99. This would clearly indicate that the carrier knowingly permitted these discrepancies to exist.

The president of respondent testified that these violations had resulted in no serious personal injuries and in only one instance of any property damage; that the violations had occurred during a dock strike when respondent had an unusually large amount of work to perform and that in the future appropriate checks and supervision would be instituted to prevent future violations.

The Commission finds that the violations shown in Exhibit No. 1 constitute a serious dereliction on the part of respondent. Such violations cannot be condoned by the Commission. Therefore, respondent's authority to operate as a petroleum contract carrier will be suspended for a five-day period of time.

O R D E R

Public hearing having been held and based upon the above findings,

IT IS ORDERED:

1. That respondent A. Blasi Transportation, a corporation, its managing officers and employees are ordered to cease and desist from carrying on any operation as a highway common carrier or as a petroleum contract carrier without full compliance with the provisions and requirements of the Commission's General Order No. 99.

2. That the authority of respondent A. Blasi Transportation to operate as a petroleum contract carrier as defined in Section 3518 of the Public Utilities Code is hereby suspended for a period of five days commencing on the second Monday after the effective date of this order; and that it shall not lease the equipment or other facilities used in operations under this permit for the period of the suspension or directly or indirectly allow its equipment or facilities to be used to circumvent the suspension.

The effective date of this order shall be twenty days after personal service upon respondent, and the Secretary of this Commission is directed to cause such service of a copy of this order, certified under the seal of this Commission as required by Section 1705 of the Public Utilities Code, to be made upon respondent.

Dated at San Francisco, California, this 26th day of July, 1960.

President
Secretary
Commissioners
Theodore H. Jenner

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.