

A. 51614 - hk

Decision No. 79228

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
GERALD A. LOPEZ, an individual dba )  
G. A. LOPEZ TRUCKING, of Orange, ) Application No. 51614  
California, for a permit to operate )  
as a dump truck carrier, 100 mile )  
radius from point of operation, )  
Orange. (File No. T-84,205) )

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 77985, dated November 24, 1970 (petition for rehearing by protestants denied May 11, 1971), the Commission ordered the issuance of a permit to operate as a dump truck carrier within a radius of 100 miles of the City of Orange, California, to Gerald A. Lopez, an individual, doing business as G. A. Lopez Trucking. Issuance of the permit was made subject to the conditions that the applicant file past due quarterly reports of gross operating revenue and pay delinquent Transportation Rate Fund fees for the last quarter of 1968 and the first quarter of 1969 under File No. T-84,205.

The Commission's records indicate that the required filings have been made. However, the applicant has not submitted evidence of adequate protection against liability imposed by law upon the carrier for the payment of damages for personal bodily injuries and for damage or destruction of property as required by Section 3631 of the Public Utilities Code and the Commission's General Order No. 100-F.

Notification of this requirement was given to the applicant by certified mail which was returned unclaimed and again by first class mail. On July 23, 1971, a representative of the

Commission's staff personally visited the applicant and informed him of the need to file evidence of liability protection, however, no such evidence has been filed to date.

In the circumstances, the Commission finds:

1. By Decision No. 77985, dated November 24, 1970, in Application No. 51614, the Commission ordered issuance of a permit to operate as a dump truck carrier within a radius of 100 miles from the City of Orange, California, to Gerald A. Lopez, an individual, doing business as G. A. Lopez Trucking.

2. Issuance of the permit was subject to the applicant filing past due quarterly reports of gross operating revenue and Transportation Rate Fund fees under his former operation, File No. T-84,205, which filings have been made.

3. The permit may not be issued until evidence of adequate protection against liability imposed by law upon the carrier for payment of damages for personal bodily injuries and for damage or destruction of property is filed as required by Section 3631 of the Public Utilities Code and the Commission's General Order No. 100-F.

The Commission concludes that the order for issuance of a dump truck carrier permit set forth in Decision No. 77985 should be rescinded and Application No. 51614 should be dismissed unless the applicant forthwith makes the filing referred to in Finding 3 hereof.

Good cause appearing,

IT IS ORDERED that the order to the Secretary of the Commission set forth in Decision No. 77985 for issuance of a dump truck carrier permit to Gerald A. Lopez, an individual, doing business as G. A. Lopez Trucking, is rescinded and Application No. 51614 is dismissed, unless within 30 days from the effective


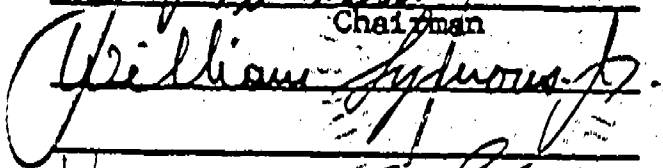
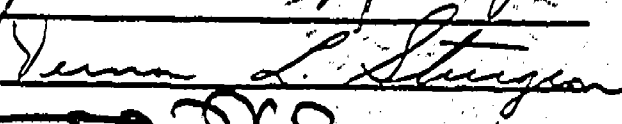

date of this order the applicant files with the Commission evidence of liability protection required by Section 3631 of the Public Utilities Code and the Commission's General Order No. 100-F.

In the event such filing is received within the specified time period, this order is vacated and the permit shall be issued.

The Secretary is directed to cause service of this order to be made by certified mail upon Gerald A. Lopez, an individual doing business as G. A. Lopez Trucking, at his last known address on file with the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of October, 1971.

  
Chairman  
  
  
  
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.