

Decision No. 80630**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Larry Poffenroth
 dba L. A. P. Transportation, for
 reinstatement of dump truck, cement
 contract, and radial highway common
 carrier permits, Fremont.

Application No. 53373
 (Filed June 1, 1972)

Larry Adam Poffenroth, for applicant.
T. H. Peceimer, for the Commission staff.

O P I N I O N

Applicant's dump truck carrier, cement contract carrier and radial highway common carrier permits were revoked on May 8, 1972. He has applied herein to have them reinstated.

Public hearing was held before Examiner O'Leary at San Francisco on July 20, 1972.

Section 3737 of the Public Utilities Code was amended effective November 23, 1970, to require carriers to purchase needed tariffs and supplements thereto. An invoice in the amount of \$52.75, for tariff renewal fees for the year 1972, was mailed to applicant on November 15, 1971. Said invoice set forth a due date for the fees of December 31, 1971. A second invoice was mailed to applicant on January 25, 1972. Both invoices advised applicant that failure to maintain tariffs would result in revocation of his permits.

On March 28, 1972 a copy of Commission Resolution No. 16880 was mailed to applicant. Said resolution ordered that numerous carrier's permits, including applicant's, would be suspended effective April 7, 1972, and revoked May 8, 1972, unless appropriate remittance was made for tariffs or a request for amendment of the carrier's permits was received to eliminate the requirement to purchase tariffs not being used.

Applicant testified that during the period that the invoices and resolution were mailed to him he was having problems

with his office help and he was never made aware of said invoices or the Commission resolution. He further testified that he has made arrangements with a traffic service to watch over his operations to assure compliance with the rules of the Commission.

Based upon the evidence adduced, the Commission finds that:

1. Applicant's dump truck carrier, cement contract carrier and highway contract carrier permits were revoked effective May 8, 1972 for failure to comply with Section 3737 of the Public Utilities Code.

2. Applicant's office help did not advise him of the receipt of the invoices for tariff renewal fees in the amount of \$52.75 or the receipt of Commission Resolution No. 16880.

3. Applicant was negligent in not making arrangements to have his office help advise him of correspondence from the Commission.

Based on the above findings, the Commission concludes that the application should be denied.

O R D E R

IT IS ORDERED THAT Application No. 53373 is denied.

The Secretary of the Commission is directed to cause service of this order to be made upon applicant.

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

Dated at Los Angeles, California, this 17th day of OCTOBER, 1972.

Vernon L. Stinger
President
William J. ...
[Signature]
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Commissioners