

Decision No. 81926**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Revocation
of the Permit of Mahmoud H. El-Kurd }
doing business as Golden Eagle }
Limousine Service, to operate as }
a charter-party carrier of Passen- }
gers (TCP-391). }

File No. TCP-391
(Permit Issued November
21, 1972)

ORDER REVOKING CHARTER-PARTY
CARRIER OF PASSENGERS PERMIT
AND CEASE AND DESIST ORDER

Effective February 26, 1973, the public liability insurance of Mahmoud H. El-Kurd, doing business as Golden Eagle Limousine Service (El-Kurd), was cancelled by his insurer, Twin Cities Fire Insurance Company. For that reason, on the same date, El-Kurd's permit No. TCP-391 to operate as a charter-party carrier of passengers was suspended.

Notwithstanding his failure to have on file the insurance required by General Order 115-B and by Sections 5391-5393 of the Public Utilities Code, El-Kurd continued to operate in violation of General Order 115-B(9), which states:

"No operation shall be conducted on any highway of the State of California unless a certificate of insurance ... shall be in effect and on file with the Commission."

The operation was also in violation of Section 5379 of the Public Utilities Code which states:

"...during the period of ... suspension [of a permit], it is unlawful for a charter-party carrier of passengers to conduct any operations as such a carrier."

Such unlawful operation was discovered by the staff in early August, 1973, at which time El-Kurd was advised that his authority

would be revoked unless he immediately filed an insurance certificate with the Commission.

On August 8, 1973, El-Kurd filed an insurance binder with the Commission. However, on August 24, 1973, the Commission received a letter from A. Mason Blodgett & Associates,, authorized representative of Zurich Insurance Company, the insurer named in the insurance binder, stating that the binder was cancelled effective August 13, 1973. The reason for cancellation was alleged to be El-Kurd's poor driving record with the Department of Motor Vehicles.

Based on the foregoing the Commission makes the following findings:

1. El-Kurd is the holder of a permit to operate as a charter-party carrier of passengers.
2. Said permit was suspended February 26, 1973 for failure to maintain in effect public liability insurance.
3. Written notice of said suspension was sent to El-Kurd on January 26, 1973.
4. El-Kurd filed an insurance binder on August 7, 1973, but said binder was cancelled by the insurer's agent, effective August 13, 1973.
5. El-Kurd does not now have on file with the Commission any evidence of public liability insurance, as required by General Order 115-B.

The Commission concludes that:

1. El-Kurd is in violation of Sections 5391 and 5392 of the Public Utilities Code and of General Order 115-B.
2. The Commission may revoke any operating permit issued pursuant to the Passenger Charter-party Carriers' Act upon either of the following grounds:
 - (a) Violation of any provision of the Act.

- (b) Violation of any order, decision, rule, regulation or requirement of the Commission. (Public Utilities Code, Section 5378(a) and (b)).
- 3. The Commission may supervise and regulate charter-party carriers of passengers in the State and may do all things, whether specifically designated in the Act, or in addition thereto, which are necessary and convenient in the exercise of such power and jurisdiction. (Public Utilities Code, Section 5381.)
- 4. It is necessary for the protection of the public to revoke the permit of El-Kurd.
- 5. El-Kurd should be ordered to cease and desist from operating as a charter-party carrier of passengers without the requisite authority from the Commission.

IT IS ORDERED that:

- 1. The charter-party carrier of passengers permit of Mahmoud H. El-Kurd, doing business as Golden Eagle Limousine Service, is revoked.
- 2. Mahmoud H. El-Kurd shall cease and desist from operating as a charter-party carrier of passengers without a permit from the Commission.
- 3. The effective date of this order is the date hereof.

KJ

Dated at San Francisco, California, this 25th day of
SEPTEMBER, 1973.

Vernon L. Stenger
President
William J. ...
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Commissioners