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Decision No. 84027

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CHARLEY JONES for
reinstatement of dump truck carrier
and radial highway common carrier
permits, T-72,587.

Application No. 55207
(Filed September 25, 1974)

Charley Jones, for himself, applicant.
Wade Austin, for Associated Independent Owner-
Operators, Inc., interested party.
T. H. Peceimer, for the Commission staff.

O P I N I O N

The radial highway common carrier and dump truck carrier permits held by Charley Jones have been revoked for failure to have on file with the Commission evidence of an effective policy of liability insurance for personal injury and property damage, other than freight, as required by General Order No. 100-H (G.O. 100-H). By this application, he requests that the two permits be reinstated.

A public hearing was held before Examiner Mooney in Los Angeles on December 11, 1974, and the matter was submitted.

The application was supported by the Associated Independent Owner-Operators, Inc. The Commission staff did not oppose the sought reinstatement. However, the staff did point out that applicant has not filed the Report of Equipment Changes and/or License Plate Changes, Calendar Year 1973, and recommended that any reinstatement be conditioned upon the filing of the report and the payment of a \$25 delinquency fine.

Findings

1. In compliance with G.O. 100-H, a certificate of liability insurance issued to applicant by the Yosemite Insurance Co. (Yosemite) was filed with the Commission on March 11, 1974. An amended certificate was filed with the Commission on March 22, 1974. Both were effective March 8, 1974.

2. Applicant did not pay the premium on the Yosemite policy on the due date to the Guarantee General Corporation which handled the insurance for him. However, applicant did make the payment before the termination of the additional or grace period allowed before the policy would lapse. Through someone's oversight, receipt of the payment was not noted on the insurance company's record of the policy, and it was canceled when the grace period ran out. A notice of cancellation of the policy was filed with the Commission on May 2, 1974, and the effective date of the cancellation was June 7, 1974.

3. A notice dated May 3, 1974 was sent to applicant by the Commission staff informing him that his liability insurance on file would terminate on June 7, 1974 and that his permits would be suspended on the cancellation date unless evidence of adequate liability insurance coverage was deposited with the Commission before that date and that if the required evidence of liability insurance coverage was not received by July 7, 1974, the suspended permits would be revoked.

4. By Resolution No. 17366 dated June 18, 1974, the Commission revoked applicant's permits on July 18, 1974. A copy of the resolution was sent to applicant on June 18, 1974.

5. The insurance company was notified by applicant to take care of this matter on June 1, 1974 but failed to do so in time to prevent the revocation.

6. A notice of reinstatement of the liability insurance policy by Yosemite was filed with the Commission August 7, 1974. The reinstatement was effective June 7, 1974, the same date as the effective date of the cancellation notice from Yosemite. Therefore, according to the reinstatement notice, applicant continuously had in effect a policy of adequate liability insurance as required by G.O. 100-H.

7. On seven prior occasions since mid-1966, a notice of impending suspension was sent to applicant by the Commission staff after receipt of a notice of cancellation from the company carrying his liability insurance. In each such instance, a notice of reinstatement of the policy and continual coverage was filed with the Commission prior to the effective date of the suspension.

8. Applicant has not filed with the Commission his Report of Equipment Changes and/or License Plate Changes, Calendar Year 1973. The report is delinquent. A \$25 delinquency fine is due in connection therewith.

9. Applicant's permits should be reinstated after the report and fine referred to in Finding 8 have been filed with the Commission and any payments or fees due have been paid to the Commission.

Conclusions

1. The application should be granted subject to the conditions set forth in the order which follows. ✓

2. Applicant should be directed to file any and all reports required by the Commission within the time specified.

Applicant is placed on notice that any delinquency on his part in complying with Commission rules and regulations, including those requiring the filing of reports, may result in Commission action leading to revocation of his permits.

O R D E R

IT IS ORDERED that:

1. The radial highway common carrier and dump truck carrier permits issued to Charley Jones and revoked by the Commission pursuant to Resolution No. 17366 dated June 18, 1974 are hereby reinstated as of the date that his Report of Equipment Changes and/or License Plate Changes, Calendar Year 1973, is filed with the Commission and the \$25 delinquency fee in connection therewith is paid to the Commission.

2. Charley Jones shall cease and desist from failing to file any and all reports required by the Commission within the time periods specified.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 28th day of JANUARY, 1975.

William L. Shuman
President
William Symons
Leonard Ross
Commissioners