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Decision 88 01 024 JAN 13 1988**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into the operations,)
 rates, and practices of William A.)
 Miller, doing business as William A.)
 Miller Trucking, and of Penny-Newman)
 Grain Co., a corporation.)

I. 85-08-047
 (Filed August 21, 1985)

ORDER DENYING REHEARING

WILLIAM A. MILLER (Miller) has filed an application for rehearing of Decision (D.) 87-09-039. We have considered all the allegations of error in the application and are of the opinion that good cause for rehearing has not been shown.

In D.87-09-039 we put Miller on notice that failure to make timely payments would result in automatic suspension of his operating authority. However, Miller's operating authority has already been suspended since September of 1985 for his failure to maintain sufficient liability insurance. Although it is our policy to revoke the operating authority of a carrier who fails to reinstate liability insurance within 90 days of such a suspension, we have forbore from doing so while Miller's practices were under investigation.

Miller has not had evidence of liability insurance on file with this Commission, as required by P.U. Code Sections 3631-3635 and General Order 100-L, since 1985. Under the provisions of Resolution 18234, the staff may revoke the operating authority of any highway carrier who does not have evidence of liability insurance on file with the Commission. We direct the staff to take this action forthwith. Miller is placed on notice of the provisions of P.U. Code §3801.5, authorizing the Commission to assess a fine of up to \$5,000 for operating as a highway permit carrier without a valid permit. Therefore,

IT IS ORDERED THAT:

1. Rehearing of D.87-09-039 is hereby denied.

2. The staff is directed to revoke the operating authority of William A. Miller, dba William Miller Trucking, thirty (30) days after the effective date of this order.

3. The Executive Director is directed to cause a certified copy of this order to be personally served on Miller.


This order shall become effective on the date the order is served on Miller.

Dated JAN 13 1988, at San Francisco, California.

DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

Commissioner Stanley W. Hulett
being necessarily absent, did
not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Victor Weissar, Executive Director

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2. The staff is directed to revoke the operating authority of William A. Miller, dba William Miller Trucking, immediately.

3. The Executive Director is directed to cause a certified copy of this order to be personally served on Miller.

This order shall become effective on the date the order is served on Miller.

Dated _____, 1988, at San Francisco, California.

AGENDA 2751 ITEM NO. EX-7

NOTICE OF NONSUBSTANTIVE REVISION

Since the above-referenced proposed decision was distributed, changes have been made by: LEGAL DIVISION on the following pages:

 Of the Order on page 2 in the
 Ordering Paragraph No. 2 new language
 has been added.

Note: This revision is distributed to
complete Agenda distribution list.