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**ORIGINAL**

Decision 89 02 061 FEB 24 1989

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Faustino Guerrero	)	
Ramirez for a Hearing Requesting a	)	Application 88-10-011
Waiver of Insurance requirements.	)	(Filed October 5, 1988)

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O P I N I O N

Faustino Guerrero Ramirez is a highway contract carrier whose permit has been suspended at his request pending his compliance with the Commission's insurance requirements.

Ramirez filed this application as a form of appeal from Transportation Division's (staff's) refusal to accept an entity called Serpico Insurance Trust Association (Serpico), as a company licensed to write insurance or as a self-insurer in the State of California as required by Section 3632, Public Utilities (PU) Code.

Staff's Advice of Participation states as follows:

"The Tariff and License Branch staff has reviewed the application of Faustino Guerrero Ramirez, Serpico Insurance and Trust Association for exemption from the rules and regulations relating to required insurance for truckers.

"The staff recommends that the application be dismissed without prejudice. Serpico Insurance Trust Association is under a Cease and Desist Order by the Department of Insurance of the State of California to refrain from solicitation, advertising, sale and issuance of contracts and policies of insurance. The Department of Insurance has found that Serpico Insurance Trust Association is conducting its 'business and affairs in this State in a manner hazardous to their policyholders and to the public'."

Staff's action in this matter is based upon an Order of the Department of Insurance, State of California, directed to Serpico that it cease and desist from conducting insurance business.

in this State without first procuring a Certificate of Authority from the Insurance Commissioner. We take official notice of this order in our file and concur that the application be dismissed.

Further, as the Commission has neither the power nor the inclination to alter PU Code provisions requiring that insurance be provided by companies licensed or qualified to do insurance business in California, we will dismiss the application with prejudice.

Findings of Fact

1. Staff has refused to accept applicant's insurer because it is not licensed or qualified to do business in California.
2. Ramirez filed this application as a form of appeal from staff's refusal.
3. Section 3632, PU Code requires that insurance protection be provided only by companies licensed and qualified to do insurance business in California.

Conclusion of Law

The application should be dismissed with prejudice.

O R D E R


IT IS ORDERED that Application 88-10-011 is dismissed with prejudice.

This order is effective today.

Dated FEB 24 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
Commissioners

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

  
John B. Ohanian, Executive Director