

Decision 89 09 054 SEP 7 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
 own Motion into the Refusal and
 Failure of Sonship Enterprises, Inc.
 to comply with Decision 88-09-035.

ORIGINAL

OII 88-03-043
 (Filed March 23, 1988)

ORDER REOPENING INVESTIGATION
SUSPENDING HIGHWAY CARRIER AUTHORITY
AND ORDER TO SHOW CAUSE

Noel Andrew De Gaetano, dba SONSHIP ENTERPRISES, hereinafter referred to as "Respondent De Gaetano", whose mailing address is 14930 Calvert Street, Van Nuys, CA 91411, is engaged in the business of transporting property over the public highways of this state for compensation pursuant to a household goods carrier permit, an agricultural carrier permit, and a highway contract carrier permit. Sonship Enterprises, Inc., hereinafter referred to as "Respondent Sonship", whose mailing address is also 14930 Calvert Street, Van Nuys, CA 91411, is engaged in the business of transporting property over the public highways of this state for compensation pursuant to a household goods carrier permit.

It appears that although respondents De Gaetano and Sonship are separate legal entities holding separate household goods carrier permits, both respondents show the same address and the owner of one is the president and designated responsible managing officer of the other, and therefore as noted on page 10 of Decision 88-09-035, both respondents appear to be one and the same carrier,

Respondent Noel A. De Gaetano dba Sonship Enterprises, Inc. was ordered in Commission Decision No. 88-09-035 to pay a fine of \$2,000 to the Commission pursuant to Public Utilities Code Section 5285. Decision 88-09-035, personally served on company president Noel A. De Gaetano, indicated that the fine was due on November 21, 1988 and that Mr. De Gaetano has since informed the

Commission staff that he will not pay the fine (see attached affidavit);

IT IS ORDERED, based upon the statements in the attached affidavit, that OII 88-03-043 be reopened to determine whether an additional fine should be imposed and/or whether the operating authorities of respondents De Gaetano and Sonship should be revoked. In addition, based on the fact that respondents De Gaetano and Sonship are one and the same carrier, we hereby suspend the household goods carrier permits of both these respondents for failure to comply with the provisions of D.88-09-035, pertaining to payment of a fine of \$2,000.00 to the Commission pursuant to Public Utilities Code Section 5285. Respondents are placed on notice that during the period of suspension it is unlawful for a household goods carrier to conduct operations as such a carrier. (Public Utilities Code Section 5286.)

Public hearings on this matter shall be held before an Administrative Law Judge at a time, date and place to be set at which time respondents may appear and show cause why their permits should not be cancelled or revoked for failure to comply with the terms and provisions of D.88-09-035. The Executive Director may order the suspension to not be invoked if the respondent has paid the \$2,000 fine before the effective date of this order.

The Executive Director is directed to cause a certified copy of this order to be personally served upon respondent Noel A. De Gaetano.

This order is effective 45 days from the date that personal service of this order is made on the respondent.

Dated SEP 7 1989, at San Francisco, California.

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

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

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Wesley Franklin
WESLEY FRANKLIN, Acting Executive Director

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to comply with Decision 88-09-035.)

AFFIDAVIT IN SUPPORT OF
ORDER TO SHOW CAUSE

My name is Paul Wuerstle. I am a supervising transportation representative for the Commission.

Respondent Sonship Enterprises, Inc., was ordered by CPUC Decision No. 88-09-035, to perform certain acts. Specifically, Sonship Enterprises, Inc. was ordered to:

1. Pay a fine of \$2,000 to the Commission under Public Utilities Code Section 5285 on or before the 30th day after the effective date of the order. The decision was effective October 22, 1988 and therefore the fine was due on November 21, 1988.

2. Cease and desist from violating the rates and rules of the Commission.

Records maintained by the Executive Director of the Commission indicate that service of Decision and Order 88-09-035 was made by personal delivery of a certified copy on Noel A. De Gaetano, the President of Sonship Enterprises, Inc. on September 22, 1988.

By telephone, on January 31, 1989, PUC staff advised Noel A. De Gaetano, of Sonship Enterprises' failure to comply with the Decision. Mr. De Gaetano responded that he did not intend to pay.

I.88-03-043 L/IRA/kad

By letter dated February 2, 1989 the PUC staff again advised respondent De Gaetano of his failure to comply with the Decision. Mr. De Gaetano has not responded to staff's letter.

A thorough review of the records of the Commission indicates that no payment of fine has been received by the Commission.

I hereby declare under penalty of perjury that the statements in this affidavit are true to the best of my knowledge and belief.

Dated:

July 26, 1989

Paul Wuerstle
Paul Wuerstle
Supervising Transportation
Representative