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 DEC 30 05 046 MAY 4 1990
 BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
 own motion into the operations,
 rates, and practices of Sanford A.
 McColley and Kathy J. McColley
 doing business as A Touch of Class
 Limousine Service.

I.88-06-021
 (Filed June 17, 1988)

ORDER REOPENING INVESTIGATION
 AND ORDER TO SHOW CAUSE

Sanford A. McColley and Kathy J. McColley, doing business as A TOUCH OF CLASS LIMOUSINE SERVICE, hereinafter referred to as "Respondents", whose mailing address is 1250 Oakmead Parkway, Suite 107, Sunnyvale, CA 94086 are engaged in the business of transporting passengers over the public highways of this state for compensation pursuant to a certificate of public convenience and necessity to operate as a passenger stage corporation and a permit to operate as a charter-party carrier of passengers (PSC 1395 and TCP 1395-P).

Respondents were ordered in Commission Decision No. (D.) 89-04-078 to pay a fine of \$2,000 to the Commission pursuant to Public Utilities Code Sections 1033.5(b), 5378(b), and 5379. Decision 89-04-078, personally served on company partners Sanford A. McColley and Kathy J. McColley, indicated that the fine was due on June 5, 1989.

Respondents faxed a letter to the Commission on May 26, 1989 requesting reconsideration of Decision 89-04-078. Respondents were notified by the Commission's Legal Division on August 1, 1989 that the letter was not sufficient to constitute an application for rehearing of the decision as it did not state any legal grounds for challenging the decision as required by Public Utilities Code Section 1732 nor was it filed with the Commission's Docket Office as required by Rule 44 of the Rules of Practice and Procedure. The Respondents were advised that the deadline for filing an application for rehearing had passed.

The Commission's Transportation Division mailed a letter to Respondents on November 21, 1989 stating that if the fine was not paid by December 1, 1989, the staff would recommend that the investigation be reopened to determine whether an additional fine should be imposed or whether Respondents' operating authorities should be suspended or revoked. The carrier has not responded to this letter or paid the fine.

IT IS ORDERED, based upon the statements in the attached affidavit, that I. 88-06-021 be reopened to determine whether an additional fine should be imposed and/or whether the operating authorities of Respondents should be revoked.

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 operating authorities should not be cancelled or revoked for failure to comply with the terms and provisions of D. 89-04-078. If the \$2,000 fine is paid by the respondent prior to the date of hearing, the hearing shall be taken off calendar and proceedings terminated.

The Executive Director is directed to cause a certified copy of this order to be personally served upon Respondent Sanford A. McColley or Respondent Kathy J. McColley.

This order is effective the date that personal service of this order is made on the respondents.

Dated MAY 4 1990, 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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NEAL J. SHULMAN, Executive Director

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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AFFIDAVIT IN SUPPORT OF ORDER TO SHOW CAUSE

My name is James D. Westfall. I am a senior transportation representative in the Commission's Transportation Division.

Sanford A. McColley and Kathy J. McColley, doing business as A Touch of Class Limousine Service (PSC/TCP 1395), hereinafter referred to as "Respondents", were ordered by Decision 89-04-078 to perform certain acts. Specifically, they were ordered to:

1. Pay a fine of \$2,000 to the Commission under Public Utilities Code Sections 5379, 1033.5(b), and 5378(b) within 10 days of the effective date of the order. The decision was effective on May 26, 1989 and therefore the fine was due on June 5, 1989.

2. Cease and desist from any other or further violations of the PU Code.

Records maintained by the Executive Director of the Commission indicate that service of Decision and Order 89-04-078 was made by personal delivery of certified copies on Sanford A. McColley and Kathy J. McColley on May 2, 1989.

Respondents faxed a letter to the Commission on May 26, 1989 requesting reconsideration of D. 89-04-078. Respondents were notified by the Legal Division on August 1, 1989 that the letter was not sufficient to constitute an application for rehearing of the decision as it did not state any legal grounds for challenging the decision as required by PU Code Section 1732 nor was it filed with the Commission's Docket office as required by Rule 44 of the Rules of Practice and Procedure.

The Transportation Division mailed a letter to Respondents on November 21, 1989 informing them that if the fine is not paid

by December 1, 1989, the staff will recommend that the investigation be reopened to determine whether an additional fine should be imposed or whether Respondents' operating authorities should be suspended or revoked. A thorough review of Commission records indicates that no payment of the 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: March 19, 1990


James D. Westfall
Senior Transportation Representative