

Decision 90 06 049 JUN 20 1990

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the complaint
of: Ground Systems, Inc., dba
Airport Coach, a California
corporation,

Complainant,

vs.

Lounge Car Tours Charter Co.,
Inc., a California corporation,
and Airport Cruiser, Inc.,
a California corporation,

Defendants.

Case 90-01-031
(Filed January 22, 1990)

O P I N I O N

Ground Systems, Inc. (complainant) alleges that defendant Lounge Car Tours Charter Co., Inc. (Tours) has had its California corporate franchise suspended on February 2, 1987. It notes that a suspended corporation, by law, (Revenue and Taxation Code § 23301) cannot sue or defend or conduct operations.

As a result, complainant contends Tours has violated Rule 1 by misrepresenting its status by filing for its original authority to serve (Application (A.) 87-11-035) its application to serve John Wayne Airport and its application to transfer to its "spin-off entity" (A.89-04-038) i.e. defendant Airport Cruiser, Inc. Tours allegedly also instituted a civil lawsuit against complainant during suspension.

Complainant proposed an immediate cease and desist order prohibiting defendants from providing passenger service.

Defendants answered that the tax deficiency in question was less than \$1,400. They also claim that no notice of the suspension or of the assessment was received. They finally claim

that upon learning of the suspension, Tours paid the tax and the franchise was revived.

Complainant has not requested an evidentiary hearing.

On May 16, 1990, defendant's counsel forwarded a copy of its Certificate of Corporate Status. Based in this submission, we take official notice that Tours has paid the tax assessment and that its franchise has been revived. The complaint should therefore be dismissed.

Finding of Fact

Defendant Tours has paid the tax assessment in question and its corporate franchise has been restored.

Conclusion of Law

The complaint should be dismissed as satisfied.

O R D E R

IT IS ORDERED that the complaint is dismissed.

This order becomes effective 30 days from today.

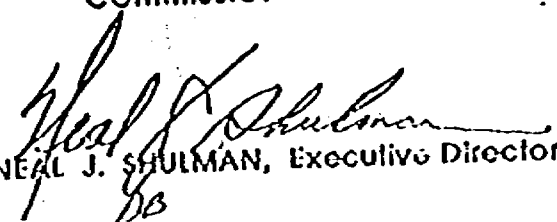
Dated JUN 20 1990, at San Francisco, California.

FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

President G. Mitchell Wilk,
being necessarily absent, did
not participate.

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

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NEAL J. SHULMAN, Executive Director