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Decision 90-12-115 December 27, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into the operations and  
practices of Phillip Hernandez.

I.90-01-029  
(Filed March 23, 1990)

ORDER CLOSING DOCKET

This is an investigation instituted to determine whether respondent Phillip Hernandez has violated Section 3582 of the Public Utilities Code by transporting unprocessed agricultural commodities without having in force and effect a permit issued by the Commission authorizing such operation and, if so, what order or orders should be entered by the Commission in the lawful exercise of its jurisdiction.

On November 14, 1990, counsel for the Compliance and Enforcement Branch of the Transportation Division wrote the following letter to the administrative law judge recommending that the proceeding be closed:

"The staff has resolved this matter with respondent Hernandez in a manner satisfactory to the staff and Mr. Hernandez.

"Mr. Hernandez' problem arose by virtue of language difficulties and some misperceived instructions or information he obtained relevant to reinstatement of seasonal operating authority from a Commission field office. His three month permit lapsed, he received notice thereof and went into a field office to settle the matter. He understood that he was to file for a new permit for the future three months and did so thus technically leaving a period wherein he operated without a permit. Mr. Hernandez now has a permanent permit in order to avoid misunderstanding.

"There are no undercharges involved nor are there any other alleged violations of any sort. In the circumstances the public interest would

be served by termination of this investigation with an admonition to Mr. Hernandez that if the permanent permit is allowed to lapse for any reason such as failure to report revenues and remit fees or failure to have adequate insurance on file any carrier operations conducted at that time could result in fines or other sanctions."

We agree with staff's recommendation and admonish respondent that fines or other sanctions could be imposed should he allow his permanent permit to lapse and thereafter conduct carrier operations.

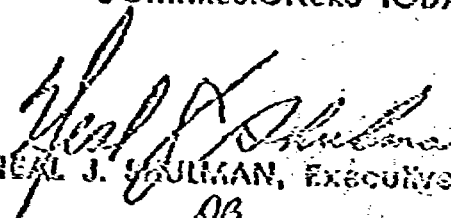
IT IS ORDERED that this investigation is terminated and the docket is closed.

This order becomes effective 30 days from today.

Dated December 27, 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

  
NEAL J. SULLIVAN, Executive Director  
PB