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Decision 91-10-012 October 11, 1991 OCI 17 1991.c

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations and practices of Itat Corporation. Respondent. I.91-03-045 (Filed March 22, 1991)

Application of Itat Corporation, for Charter Party Authority. Application 91-06-009 (Filed June 6, 1991)

OPINION

On March 22, 1991, the Commission instituted an investigation into the operations and practices of ITAT Corporation, a corporation engaged in the business of transporting passengers over the public highways of this state for compensation. On June 6, 1991, ITAT filed a new application for charter party authority, Application (A.) 91-06-008, which is hereby consolidated with Order Instituting Investigation (I.) 91-03-045.

Both ITAT and the Transportation Division have entered into a formal, written stipulation and settlement of all issues raised in I.91-03-045 and A.91-06-008. By motion signed September 12, 1991, ITAT and the Transportation Division requested that the Commission adopt the stipulation and settlement, both parties agreeing that it is in the public interest to do so. The stipulation and settlement, a copy of which is attached hereto as Appendix "A" and incorporated herein by reference, provides as follows:

- 1. ITAT admits to all the violations raised in I.91-03-045.
2. ITAT certifies that it is not conducting for-hire passenger stage or charter party carrier operations and will not commence such operations until operating authority has been granted by the Commission.

3. ITAT agrees that it will maintain its equipment and records in accordance with the Vehicle Code and Title 13 of the California Code of Regulations relative to passenger carrier safety.
4. ITAT shall pay to the Commission as a penalty a fine in the sum of \$10,000. The fine shall be paid over a two-year period beginning on January 1, 1992. The fine shall be paid in increments of \$2,500 semi-annually. The payments will be due on January 1, 1992; July 1, 1992; January 1, 1993; and July 1, 1993.
5. ITAT is placed on notice that it shall abide by all the Commission's rules and regulations. Any further violations of the Commission's rules and regulations shall result in a permanent revocation of ITAT's operating authority.
6. The Transportation Division of the Commission's Staff recommends that ITAT's application for charter party authority be granted only under the above terms and conditions.

The stipulated settlement, as recommended by the Transportation Division and ITAT, is reasonable. We will adopt it.

Findings of Fact

1. ITAT admits to all violations raised in I.91-03-045.
2. ITAT agrees to pay to the Commission as a penalty a fine in the sum of \$10,000. The fine shall be paid over a 2-year period beginning January 1, 1992, in installments of \$2,500 every 6 months.

Conclusions of Law

1. The stipulation and settlement set forth in Appendix "A" hereto and incorporated herein by reference, is reasonable and should be adopted.
2. Since this matter is not controversial, the following order should be effective immediately.

3. The application should be granted.
4. The investigation should be closed.

ORDER

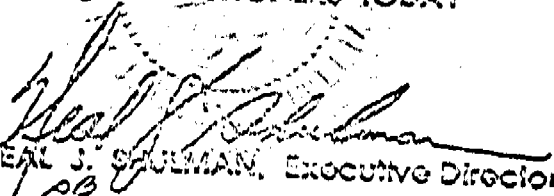
IT IS ORDERED that:

1. ITAT Corporation (ITAT) shall pay to the Commission as a penalty a fine of \$10,000. The fine shall be paid over a 2-year period beginning January 1, 1992. The fine shall be paid in increments of \$2,500 semi-annually, and are due on: January 1, 1992; July 1, 1992; January 1, 1993; and July 1, 1993.
2. ITAT is hereby placed on notice that it must abide by all the Commission's rules and regulations. Any further violations of the Commission's rules and regulations will result in permanent revocation of ITAT's operating authority.
3. ITAT shall maintain its equipment and records in accordance with the Vehicle Code and Title 13 of the California Code of Regulations relative to passenger carrier safety.
4. ITAT's application for a charter party permit is granted, subject to the above terms and conditions.
5. This investigation proceeding is closed.
This order is effective today.
Dated October 11, 1991, at San Francisco, California.

JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

Commissioner Patricia M. Eckert,
being necessarily absent, did
not participate.

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


NEAL J. SHULMAN, Executive Director

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of ITAT Corporation, for Charter Party Authority.)	APPLICATION NO. 91-06-008
_____)	
Investigation on the Commission's own Motion into the Operations and Practices of ITAT Corporation.)	OII NO. 91-03-045
_____)	

STIPULATION AND SETTLEMENT

Applicant and Respondent, ITAT CORPORATION (hereinafter ITAT), and the Transportation Division of the Commission's Staff, hereby enter into a stipulation and settlement of all issues raised in Application No. 91-06-008, and OII No. 91-03-045.

In OII No. 91-03-045, the Commission opened an investigation into ITAT's operations and practices. On December 18, 1989, ITAT applied for a charter-party carrier certificate and the application was approved on April 3, 1990. On May 11, 1990, however, ITAT's certificate was suspended for failure to maintain evidence of insurance on file with the Commission. During the time ITAT's certificate was suspended, the Transportation Division Staff has alleged that ITAT continued its operations and requested an administrative fine of \$5,000.

APPENDIX A
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1 Subsequently, on November 20, 1990, ITAT applied for a new
2 charter-party carrier certificate. This application was denied
3 on December 12, 1990 for failure to meet California Highway
4 Patrol Safety requirements.

5 On June 4, 1991, ITAT submitted a new application for
6 charter-party authority, Application No. 91-06-008. This
7 application has been consolidated with OII 91-03-045. ITAT has
8 passed its California Highway Patrol inspection and presently has
9 in place evidence of insurance for charter-party operations.

10 ITAT and the Transportation Division Staff have entered
11 into a stipulation and settlement of all issues raised in OII No.
12 91-03-045 and Application No. 91-06-008. The terms and
13 conditions of the stipulation and settlement are as follows:

14 1. ITAT admits to all the violations raised in OII No.
15 91-03-045.

16 2. Respondent ITAT certifies that it is not conducting
17 for-hire passenger stage or charter party carrier operations and
18 will not commence such operations until operating authority has
19 been granted by the Public Utilities Commission.

20 3. Respondent ITAT agrees that it will maintain its
21 equipment and records in accordance with the Vehicle Code and
22 Title 13 of the California Code of Regulations relative to
23 passenger carrier safety.

24 4. ITAT shall pay to the Commission as a penalty a fine
25 in the sum of ten thousand dollars (\$10,000). The fine shall be
26 paid over a two year period beginning on January 1, 1992. The
27 fine shall be paid in increments of two thousand five hundred
28 dollars (\$2,500) semi-annually. The payments will be due on

APPENDIX A

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1 January 1, 1992; July 1, 1992; January 1, 1993; and July 1, 1993.

2 5. ITAT is hereby placed on notice that it shall abide by
3 all the Commission's rules and regulations. Any further
4 violations of the Commission's rules and regulations shall result
5 in a permanent revocation of ITAT's operating authority.

6 6. The Transportation Division of the Commission's Staff
7 hereby recommends that ITAT's application for charter-party
8 authority be granted only under the above terms and conditions.

9
10 EXECUTED on this 12th day of ~~August~~^{September}, 1991, at San
11 Francisco, California.

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13
14 By: Peter N. Osborn ^{8/29/91}
15 Peter N. Osborn,
16 SPRAY, GOULD & BOWERS
17 Attorney for Applicant and
18 Respondent, ITAT CORPORATION

19 By: James Quinn
20 James Quinn,
21 Attorney for the
22 Transportation Division
23 of the Commission's Staff

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26
27 (END OF APPENDIX A)