

Mailed

JUL 22 1992

Decision 92-07-058 July 22, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations and
practices of Kenneth W. Sherrod and
Jerry E. Sherrod, a partnership dba
K & S Transport.

ORIGINAL

1.91-05-044

(Filed May 22, 1991)

O P I N I O N

Kenneth W. Sherrod and Jerry E. Sherrod, a partnership doing business as K & S Transport (K & S), is engaged in the business of transporting property over the public highways of this state for compensation. K & S operates pursuant to a highway contract carrier permit issued April 11, 1990. (T-164,835.)

On May 22, 1991, we issued Order Instituting Investigation 91-05-044 wherein, among other things, we sought to determine whether respondent K & S had violated Section 3611 of the Public Utilities Code by conducting operations as a dump truck carrier without a permit issued by the Commission authorizing such operations.

At a prehearing conference held March 27, 1992 in Sacramento, Transportation Division (staff) and respondent reached a settlement providing for K & S to pay a fine in the amount of \$450.00. K & S thereupon delivered its check to staff for the stipulated amount payable to the Commission. Staff later reduced the terms of the settlement agreement to writing and sent it to respondent. K & S has not returned a signed copy of the writing to the Commission, but it has remitted the fine agreed upon.

The usual method of accepting and agreeing to a stipulation for settlement is by signing and returning the document. An equally effective method is by performing the terms of the stipulation. By paying \$450.00, K & S has performed the

terms of the stipulation. Accordingly, the stipulation is deemed accepted.

Findings of Fact

1. K & S has paid to the Commission the amount of \$450.00.
2. K & S's payment represents a fine pursuant to Public Utilities Code §§ 3774 and 3805 in the amount of \$450.00.
3. K & S has accepted the stipulation for settlement on March 27, 1992 by performance.
4. The stipulation is reasonable.

Conclusions of Law

1. The objectives of this investigation have been attained.
2. The investigation should be terminated and the docket closed.

O R D E R

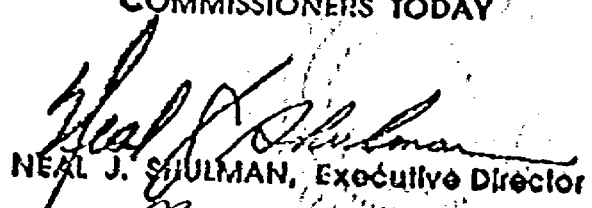
IT IS ORDERED that this investigation is terminated and the docket is closed.

This order is effective today.

Dated July 22, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director