

SEP 16 1992

Decision 92-09-066 September 16, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
 own motion into the operations,
 rates and practices of Lester L.
 Bean, dba Chief Transportation
 Company,
 Respondent.

ORIGINAL

I.92-03-051
(Filed March 31, 1992)

OPINION

Lester L. Bean, doing business as Chief Transportation Company, transports property over the highways of this state for compensation, operating pursuant to highway contract carrier permit, agricultural permit, and dump truck permit, all in File T-165,796.

A Transportation Division investigation shows that Bean may have provided three shippers with transportation services for compensation without first having on file with the Commission valid contracts for such transportation. The investigation further shows that Bean may have violated Public Utilities (PU) Code § 3737 by failing to comply with decisions and orders applicable to him.

On March 31, 1992, the Commission issued its Order Instituting Investigation (OII) in Docket I.92-03-051 to inquire into the matters comprehended by the staff investigation.

After negotiations between Bean and the Transportation Division, the parties entered into a written stipulation on August 6, 1992, in which they agreed that the issues raised by the OII will be settled upon the payment by Bean of \$750, pursuant to PU Code § 3774. This amount is to be paid in three consecutive monthly installments of \$250, the first of which is due 30 days after the Commission issues its order approving and adopting the stipulation. The Transportation Division agrees with the terms of

the stipulation and recommends to the Commission that it be accepted, that this proceeding be terminated, that Bean shall henceforth not be subject to any further sanctions or fines arising from transportation performed by him to and including the date of the stipulation, and that he be relieved of liability for the payment of any amount other than that specifically agreed to be paid in the stipulation. A copy of the stipulation is appended hereto.

Findings of Fact

1. The stipulation is reasonable, consistent with law, and in the public interest.
2. The stipulation is recommended by the Transportation Division.
3. The stipulation is uncontested.

Conclusions of Law

1. The stipulation should be adopted.
2. Since the case is resolved by stipulation, the following order should be effective immediately.

ORDER

IT IS ORDERED that:

1. Lester L. Bean, doing business as Chief Transportation Company, shall pay an amount to be deposited with the Public Utilities Commission in the sum of \$750, pursuant to § 3774 of the Public Utilities Code. This amount shall be paid in three consecutive monthly installments of \$250, the first of which is due 30 days after the issuance of this decision.
2. Upon payment in full of the amounts ordered above, Bean shall thenceforth not be subject to any further sanctions or fines arising from transportation performed by him to and including the date of the stipulation; and he shall be relieved of liability for

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the payment of any amount other than that specifically agreed to be paid in the stipulation.

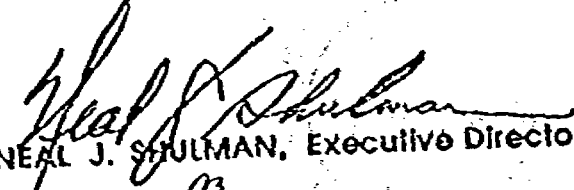
3. This investigation is terminated and the docket is closed.

This order is effective today.

Dated September 16, 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
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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates and practices of Lester L.Bean, an individual, doing business as Chief Transportation,

Respondent,

I. 92-03-051

STIPULATION FOR SETTLEMENT

THE PARTIES TO THIS PROCEEDING now pending before the Public Utilities Commission desiring to avoid the expense, inconvenience and uncertainty attendant to litigation of the issues in dispute between them have agreed upon a settlement of the said issues and desire to submit to the Public Utilities Commission this stipulation for approval and adoption as its final disposition of the matters herein.

In addition, since this STIPULATION represents a compromise by the Parties, the Parties have entered into it on the basis that the Commission's adoption of said STIPULATION not be construed as an admission or concession by any party regarding the facts or law in dispute in this proceeding. Furthermore, it is the intent and understanding of the parties that Commission adoption of this STIPULATION will not be construed as a precedent or policy statement of any kind for or against the Parties in any current or future proceeding.

APPENDIX
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NOW, THEREFORE, THE PARTIES DO STIPULATE AS FOLLOWS:

1. Respondent Lester L. Bean dba Chief Transportation (Chief) agrees to pay an amount to be deposited with the Public Utilities Commission ("Commission") in the sum of \$ 750 pursuant to Section 3774 of the Public Utilities Code. This amount is to be paid in three (3) consecutive monthly installments of \$ 250, the first installment due 30 days after issuance of the Commission's final order approving and adopting the terms of this Stipulation For Settlement as its final disposition of the matters subject to this investigation.

2. The staff of the Public Utilities Commission, specifically the Compliance and Enforcement Branch of the Transportation Division, agrees with the terms of this stipulation and recommends to the Commission that these terms be accepted, that this proceeding known as I. 92-03-051 be terminated, that the respondent in I. 92-03-051 shall henceforth not be subject to any future sanctions or fines arising from transportation performed by Chief to and including the date of this Stipulation, and be relieved of liability for the payment of any amount other than that specifically agreed to be paid in this stipulation.

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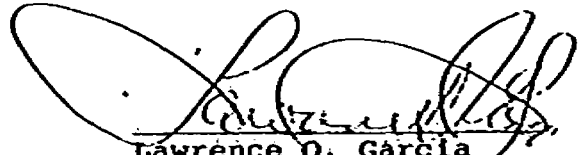
3. The parties enter into this agreement freely and voluntarily.

4. It is understood and agreed that the terms herein are binding when approved by the Commission.

Dated: **AUGUST 6, 1992**



Lester L. Bean dba
Chief Transportation
816 South Whitley St.
Fruitland, ID 83619



Lawrence Q. Garcia
Attorney at Law
Counsel for Compliance
and Enforcement Branch
of Transportation Division