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Decision 92-12-004 December 3, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation and Order to Show Cause)  
on the Commission's own motion into )  
the operations and practices of AGRI )  
TRANSPORT, a California Corporation, )  
and Charles D. McEwen, )

**ORIGINAL**

I.92-09-001

(Filed September 2, 1992)

Respondents. )

O P I N I O N

Agri Transport, a California corporation, transports property over California highways for compensation, pursuant to a highway common carrier certificate and highway contract carrier and agricultural carrier permits issued in file T-125,287. The president of Agri Transport is Charles D. McEwen. Upon recommendation of the California Highway Patrol, Agri Transport's operating authorities were suspended on October 18, 1991, and are still suspended.

A staff investigation disclosed that Agri Transport may have continued operating after its operating authorities were suspended and may have failed to pay subhauliers. McEwen, by a February 15, 1992 letter, informed staff that Agri Transport was no longer in operation and that it could not pay any fine.

On September 2, 1992, the Commission issued its Order Instituting Investigation and Order to Show Cause (OII & OSC) in this docket; and a copy was personally served upon Charles D. McEwen on September 24, 1992.

Findings of Fact

1. The order in I.92-09-001 provides that: "If the respondents do not request a hearing within 30 days after service of this order, the operating authorities of AGRI (TRANSPORT) shall be revoked for cause and findings that McEwen caused a carrier to conduct unlawful operations shall be entered."

2. McEwen, President of Agri Transport, was served with a copy of the OII & OSC on September 24, 1992.

3. Respondents did not request a hearing within 30 days of September 24, 1992.

4. McEwen caused Agri Transport to operate while its operating authorities were suspended, and Agri Transport failed to pay subhaulers, all as set forth in the OII & OSC.

Conclusions of Law

1. Agri Transport's operating authorities should be revoked, pursuant to Public Utilities Code §§ 1070 and 3737.

2. This case should be closed.

3. As the matter is uncontested, the following order should be effective immediately.

ORDER

IT IS ORDERED that the operating authorities of Agri Transport in File T-125,287 are revoked.

This order is effective today.

Dated December 3, 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. SULMAN, Executive Director