

Decision 82 10 032 October 6, 1982

NEGATIVE

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GARY R. SAXTON, dba
GARY SAXTON TRUCKING, to stay
suspension of dump truck carrier
permit, highway contract carrier
permit, livestock carrier permit,
and highway common carrier certifi-
cate for failure to provide records
for examination.

Application 82-05-20
(Filed May 3, 1982)

O P I N I O N

Gary R. Saxton, dba Gary Saxton Trucking (Saxton), seeks an order rescinding the provisions of Resolution (R) 18159, dated April 6, 1982, suspending Saxton's dump truck carrier permit, highway contract carrier permit, livestock carrier permit, and highway common carrier certificate 30 days after the effective date of the order and revoking them 30 days after the date of suspension, unless prior to the dates of suspension and revocation the carrier produces all his records covering the period August 1, 1981 through January 31, 1982 for examination by representatives of the Transportation Division of the Commission staff.

R-18159 indicated that on February 9, 1982, under Public Utilities Code Sections 314, 3705, and 3706, Saxton was informed in writing that the Commission's Transportation Division desired to conduct an examination of his transportation records for the purpose of determining his compliance with the Commission's rules and regulations. Saxton was directed to produce all of his records for the period August 1, 1981 through January 31, 1982 at the carrier's office at 4131 Maracasel Avenue, Los Angeles. This written request, as well as many other similar requests, was disregarded resulting in the issuance of R-18159. This resolution further provided that should Saxton

desire to protest this action, a formal application requesting a hearing must be filed in accordance with the Commission's Rules of Practice and Procedure. Consequently, Saxton filed this instant application on May 3, 1982 requesting an early hearing, staying the revocation of suspension of permits pending such a hearing, and dismissing the order of suspension and revocation contained in R-18159. By Commission staff letter signed by P. J. Trahan, Assistant Director of the Transportation Division and dated June 7, 1982, the suspended operating authority was reinstated for a period of 45 days to reflect steps taken by Saxton to produce the requested records. By letter dated July 19, 1982, Saxton was granted additional time to July 30, 1982, to comply with the order in R-18159. By memorandum dated August 12, 1982, the Transportation Division informed the Commission that Saxton had complied with the document demand set forth in R-18159.

Finding of Fact

Saxton has complied with the document demand set forth in R-18159 by producing his records for the period August 1, 1981 through January 31, 1982 for Commission staff review.

Conclusion of Law

The suspension and revocation of Saxton's dump truck carrier permit, highway contract carrier permit, livestock carrier permit, and highway common carrier certificate ordered by R-18159 should be rescinded.

O R D E R

IT IS ORDERED that the following ordering paragraph of Resolution 18159 is rescinded:

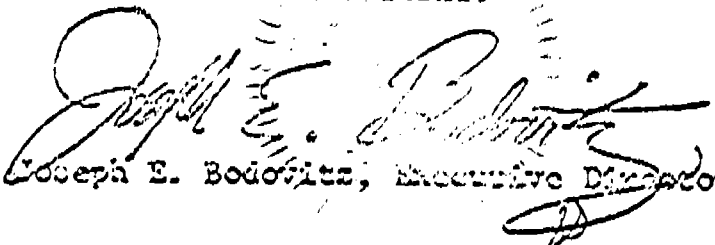
"Pursuant to Sections 1070 and 3774 of the Public Utilities Code, the dump truck carrier permit, highway contract carrier permit, livestock carrier permit and highway common carrier certificate issued to Gary R. Saxton, doing business as GARY SAXTON TRUCKING, are suspended thirty days after the effective date of this order and shall be revoked thirty days after the date of suspension, unless prior to the dates of suspension and revocation the carrier produces all his records covering the period August 1, 1981 through January 31, 1982 for examination by representatives of the Transportation Division."

This order is effective today.

Dated OCT 6 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D. GRAVELLE
LEONARD M. CRIMES, JR.
VICTOR CALVO
PRISCILLA C. GREW
Commissioners

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


Joseph E. Bodovitz, Executive Director

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