

AP

ORIGINAL

Decision No. 87033

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

PREMIERE LIMOUSINE & CHARTER
SERVICES, INC., and a PUC Licensee,)

Complainant,)

v)

GERALD F. CAMPBELL, dba FORMAL
LIMOUSINE SERVICES,)

Defendant.)

Case No. 10212
(Filed November 24, 1976)

OPINION AND ORDER OF DISMISSAL

Complainant operates as a charter-party carrier in Fresno under Permit No. TCP-347.

Its complaint alleges that Gerald F. Campbell was operating as a charter-party carrier, after having been notified by the Commission in writing that such operations could not lawfully be conducted without a permit.

The complaint further alleges that defendant is not a fit and proper person to hold a permit and that he will not "...faithfully comply with the rules and regulations adopted by the commission..." (Section 5375, Public Utilities Code.) Defendant filed an answer and affidavit stating that he had believed in good faith that a permit had been issued on November 17, 1976 and conceding that he had operated twice on November 23 and 28, 1976. He further stated that at no time prior to November 23, did he receive compensation for charter service.

The Commission issued a permit (TCP-747-P) to defendant to be effective on December 15, 1976.

We find that:

1. Defendant was issued a permit to operate as a charter-party carrier for compensation on November 17, 1976, to be effective on December 15, 1976.

2. Defendant conducted operations as a carrier on November 23 and 28, 1976 believing in good faith that his permit allowed such operations.

We conclude that:

1. No hearing is necessary.
2. This complaint should be dismissed.

IT IS ORDERED that this complaint is dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th
day of MARCH, 1977.

Robert Bateman

President

William Garrison J.

Vernon L. Sturgeon

Floss

Michael W. Gualle

Commissioners