

ORIGINAL

Decision No. 91781 MAY 6 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, rates and practices of Vincent Marlow Hodge, an individual, dba Keshun's Freight System.

OII No. 54  
(Filed July 3, 1979)

ORDER EXTENDING TIME

By Decision No. 91093 dated November 30, 1979, we determined that Vincent Marlow Hodge, dba Keshun's Freight System (respondent), had, after due notification, continued to operate without evidence of adequate liability insurance in violation of Section 3775 of the Public Utilities Code. The Commission considers operations without adequate insurance as a serious violation and, therefore, respondent was ordered to pay a fine of \$2,500 pursuant to Section 3774 on or before the 40th day after the effective date of the order. That decision also ordered that should the fine not be paid within 40 days from the effective date of the order, respondent's operating authority would be revoked without further Commission action.

By letter dated March 17, 1980 respondent requested that he be allowed to pay the fine in three monthly installments commencing March 31, 1980 and thereafter on the 15th of each succeeding month until the balance is paid and that his operating authority be reinstated. Respondent stated that his cash flow had prevented him from paying the fine, that continued operation was necessary to raise the funds for payment, that his employees were temporarily laid off, and that his liability insurance coverage was current.

Based on the information available and the respondent's allegations contained in the March 17, 1979 letter, we believe respondent should be given further time to pay the fine ordered, but the request for reinstatement of operating authority should be denied. An informal investigation by our staff subsequent to permit revocation failed to disclose any highway carrier operations subject to regulation by this Commission.

We should point out to respondent that upon payment of the fine, respondent may file application for a new permit for the Commission's consideration. Respondent must comply with all requirements for the issuance of permit, including a showing of financial responsibility.

Findings of Fact

1. It is reasonable to extend the time for payment of the fine ordered in Decision No. 91093.

2. The request for reinstatement of operating authority should be denied.

Conclusions of Law

1. The time for payment of the fine ordered in Decision No. 91093 should be extended as provided in the order which follows.

2. The request for reinstatement of operating authority should be denied.

3. The effective date of this order should be the date hereof in order that the matter may be concluded expeditiously.

IT IS ORDERED that:

1. Vincent Marlow Hodge, dba Keshun's Freight System, is authorized to pay the fine, plus interest, as ordered by Decision No. 91093 in three successive monthly installments beginning May 15, 1980.
2. The request for reinstatement of operating authority is denied.

The effective date of this order is the date hereof.

Dated MAY 6 1980 at San Francisco, California.

John E. Byers  
President

Frank L. Stevenson

Michael D. Howell

Edward J. DeFuria

James J. ...  
Commissioners