

ALJ/PAB/sid

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Decision 97-06-041 June 11, 1997

**ORIGINAL**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation and Order to Show Cause into whether the Charter-Party Permit [TCP 7348P] of Jaime L. Atilano, and individual, doing business as Tri Star Limousine, should not be revoked.

I.97-03-026  
(Filed March 18, 1997)

Respondent.

**OPINION**

**Summary**

The Order Instituting Investigation (OII) sets forth facts based upon the sworn statements of Commission staff that respondent, Jaime Atilano, has failed to comply with any of the settlement terms of a prior formal Commission investigation culminating in Decision (D.) 95-08-018. Because the terms of probation order proper licensing and training of drivers, an order which has been disobeyed for over a year, the Commission considers such behavior an unacceptable public risk.

Our order today revokes the respondent's charter-party permit pursuant to the Commission's order dated March 18, 1997, the respondent having failed to make a written request for a hearing as permitted by Ordering Paragraph 3 of the OII.

**Findings of Fact**

1. Ordering Paragraph (OP) 3 of the Commission's Order issued March 18, 1997, in this proceeding (the Order) required the Order to be personally served and served by certified mail on respondent, Jaime Atilano, doing business as Tri Star Limousine Service and his representative, Jesse Atilano, an attorney, as notice of the pending revocation of permit TCP 7348P under Public Utilities (PU) Code § 5378. Ordering Paragraph 3 permitted the respondent to file a written request for a hearing within 30 days after receiving the notice.

2. On March 26, 1997, at 10:40 a.m., respondent refused to schedule an appointment for personal staff to serve the OII. Jaime Atilano directed service to his brother, an attorney, Jessie Atilano. On March 28, 1997, Jesse Atilano did not return staff's telephone calls; however, a woman at Jaime Atilano's business provided an address for certified mail to Jaime Atilano. This information appears in the Certificate of Service filed in this proceeding. The certified mail to Jaime Atilano was returned to the Commission unclaimed on April 15, 1997.

3. On March 26 and 31, 1997, a copy of the Order addressed to Jesse Atilano was delivered and received by certified mail.

4. Neither respondent nor his attorney filed a written request for a hearing.

5. Ordering Paragraph 3 of the Order directs that an ex parte order be issued permanently revoking the respondent's permit, with prejudice, in the event that no hearing is requested.

**Conclusion of Law**

Permit TCP 7348P should be revoked under PU Code § 5378.

**O R D E R**

**IT IS ORDERED that:**

1. Permit TCP 7348P is hereby permanently revoked with prejudice.

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2. The respondent shall not conduct or direct charter-party operations under the authority granted in permit TCP 7348P.

3. Investigation 97-03-026 is closed.

The order is effective today.

Dated June 11, 1997, at San Francisco, California.

P. GREGORY CONLON  
President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners