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Decision 97-12-081 December 16, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Mark Lee Brand
for Charter-Party Carrier Authority.

Application 94-11-047
(Filed November 28, 1994)

O P I N I O N

ORIGINAL

Background

This application by Mark Lee Brand was necessarily filed on November 28, 1994 because staff found that there were fitness concerns, and the authority sought by Brand could not be issued through the informal process. Brand was informed of this by letter from Director William Schulte dated July 22, 1994.

Subsequent to the filing, staff over time worked with Brand and he was able to demonstrate a willingness and ability to comply with Commission regulations and applicable statutes. As a result, TCP-9174 authority was issued to him on December 12, 1996, and we are informed that he has operated in good standing since then.

The Rail Safety/Carriers Division (RSCD) staff finds that there is no need for a hearing in this matter since Brand is a complying carrier, and recommends that this matter be dismissed as moot, without prejudice.

Discussion

This matter was set for hearing after several requests for delay. There is now no need for hearing because RSCD staff has effectively worked with respondent and has observed that he has been operating in compliance with Commission regulations and applicable statutes. The matter is moot, as respondent has been granted operating authority through the informal process, and there is now no request for hearing.

Since a hearing in this matter is not needed, it has been taken off calendar.

This application should be dismissed as moot.

Findings of Fact

1. Applicant has been granted operating authority by the Commission.
2. There is no request for hearing.
3. Applicant has been operating in compliance with Commission regulations and applicable statutes.

Conclusions of Law

1. A hearing is not necessary.
2. The application should be dismissed as moot.
3. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. Application (A.) 94-11-047 is dismissed without prejudice.
2. A. 94-11-047 is closed.

This order is effective today.

Dated December 16, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners