

Decision 00-01-011 January 6, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation for Notice of Revocation of Transportation Charter-Party permit of Mehrdad Pourtakin, Bijan Niakian, Babak Monir and Florence Tambour, dba EXCELLENCY LIMOUSINE SERVICE,

Investigation 93-03-020
(Filed March 10, 1993)

Respondent.

O P I N I O N

Summary

The proposed Stipulation for Settlement, providing for revocation of respondents' charter-party operating authority, TCP 6314-P, is approved.

Discussion

The Commission began an Order Instituting Investigation (OII) into the operation and business practices of Mehrdad Pourtakin, Bijan Niakian, Babak Monir and Florence Tambour, dba Excellency Limousine Service (respondents), a charter-party carrier, in response to complaints and allegations that Excellency Limousine Service operated unlawfully as a de facto taxi, failed to participate in Department of Motor Vehicles' (DMV) Pull Notice Program, employed unlicensed drivers, failed to maintain workers' compensation coverage, and failed to keep required records. The Commission enforces such requirements pursuant to the Passenger Charter-Party Carrier's Act, Section 5351 et seq., of the California Public Utilities Code.

A prehearing conference was held on June 24, 1993 before Administrative Law Judge (ALJ) John C. Gilman. Respondents did not appear for the

conference. The matter was thereafter settled by stipulation. The Commission's Transportation Division¹ and respondents (the Parties) stipulated that respondents' operating authority, TCP 6314-P, would be revoked, and that respondents would not be subject to future civil sanctions described in the OII arising from transportation performed by respondents up to and including the date of the stipulation, August 16, 1993.

The Commission finds that the stipulation for settlement is not adverse to the public interest. The stipulation reflects a good faith compromise between the Parties of all the issues. The stipulated settlement is reasonable and is hereby approved.

Under the stipulation, Respondents are not barred from seeking new charter-party operating authority. However, should respondents seek new charter-party authority, they are placed on notice that they must demonstrate to the satisfaction of Commission staff that rehabilitation has occurred such that substantial ground exists to believe fitness issues are met and ought not recur. If staff concludes that fitness issues are present, the application will be processed as a formal application and may be set for hearing.

Comments on Draft Decision

The draft decision of the Administrative Law Judge in this matter was mailed to the parties in accordance with Pub. Util. Code Section 311(g) and Rule 77.1 of the Rules of Practice and Procedure. No comments were filed.

¹ Transportation Division is now called Rail Safety and Carriers Division.

Findings of Fact

1. I.93-03-020 was instituted by the Commission to determine whether Excellency Limousine's charter-party authority should be revoked.
2. The Parties to the OII entered into a stipulation for settlement on August 16, 1993.
3. The stipulation for settlement revokes respondents' charter-party permit, TCP 6314-P, and provides that respondents shall not be subject to future civil sanctions described in the OII for transportation performed by Excellency Limousine up to and including the date of the stipulation.
4. The stipulation for settlement is not adverse to the public interest.

Conclusions of Law

1. The stipulation for settlement should be approved and adopted as the basis for final decision in this proceeding.
2. Respondents' charter-party permit TCP 6314-P should be revoked.

O R D E R

IT IS ORDERED that:

1. The stipulation for settlement is approved and adopted as the basis for final decision in this proceeding.
2. Charter-party permit TCP 6314-P is revoked.

I.93-03-020 ALJ/MLC/mrj

3. Investigation 93-03-020 is closed.

This order is effective today.

Dated January 6, 2000, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
CARL W. WOOD
Commissioners

I abstain.

/s/ LORETTA M. LYNCH
Commissioner