

Decision 00-05-045 May 18, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Jose Luis Ayala-Aroche dba: El Corre Caminos to acquire and Mark K. Sneed and Jose Luis Ayala-Arouche, a partnership dba: El Corre Caminos to transfer a certificate of public convenience and necessity to operate as a passenger stage corporation and certain assets.

Application 97-10-069
(Filed October 22, 1997,
amended June 2, 1998)

Order Instituting Investigation into the operations of Mark K. Sneed and Jose Luis Ayala-Aroche, a partnership dba: El Corre Caminos.

Investigation 98-07-039
(Filed July 23, 1998)

Mark K. Sneed and Jose Luis Ayala-Aroche, a partnership dba: El Corre Caminos to amend certificate of public convenience and necessity to operate as a passenger stage corporation.

Application 98-07-063
(Filed July 30, 1998)

O P I N I O N

Summary

Petition of El Corre Caminos for forbearance of fine granted.

Discussion

Decision (D.) 99-03-042 adopted a stipulation between the Rail Safety and Carriers Branch of the Commission Staff (RSCD) and Respondents in which Respondents admitted to all of the allegations in I.98-07-039. The stipulation, which was attached to the Commission's decision, contained a fine of \$20,000. It also stated that if Respondents met all of the conditions of the stipulation during

the one-year probation included in the stipulation, then Respondent may petition for forbearance of \$10,000 of the fine. This petition has now been filed. Under the terms of the stipulation, RSCD is to determine if Respondents have met all of the terms of the stipulation agreement, and if so, to join in the petition. We have not received any objection from RSCD and so assume that all of the provisions have been met. Therefore, according to the stipulation adopted in D.99-03-042, we shall grant the petition for forbearance of \$10,000 of the fine.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code, the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. D.99-03-042 adopted a stipulation between RSCD and Respondents permitting forbearance of \$10,000 of the fine imposed in that decision if all portions of the decision had been met during the first year after the decision.
2. Respondents have filed for the forbearance, asserting that it has faithfully complied with D.99-03-042.
3. Under the provisions of D.99-03-042, RSCD was to determine whether all the terms of the stipulation have been met.
4. RSCD has not objected to granting this petition.

Conclusions of Law

1. We conclude that Respondents have met all of the conditions and terms of the stipulation between Respondent and RSCD, as adopted in D.99-03-042.
2. The petition for forbearance of \$10,000 of the fine imposed in D.99-03-042 should be granted.

ORDER

IT IS ORDERED that:

1. The petition for forbearance of \$10,000 of the fine imposed in Decision 99-03-042 is granted.
2. This matter is closed.

This order is effective today.

Dated May 18, 2000, at San Francisco, California.

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