

Decision 99-11-045 November 18, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations and practices of Myra Lea Gallo, dba SHORELINE LIMOUSINE,

Respondent.

Investigation 93-04-009
(Filed April 7, 1993)

Order Instituting Investigation and Order to Show Cause into Whether Charter-Party Carrier Certificate [TCP 7428] of Myra Lea Gallo, doing business as Shoreline Limousine should not be revoked.

Investigation 94-09-005
(Filed September 1, 1994)

Robert Thomas Burns and Toni Johnson, Attorneys at Law, for Shoreline Limousine, respondent.
Monica McCrary, Attorney at Law, and Mark Clairmont, for Safety and Enforcement Division.

OPINION

Background

The Commission began an Order Instituting Investigation (OII) into the operations of Myra Lea Gallo, dba SHORELINE LIMOUSINE (Shoreline) on April 7, 1993. The OII was instituted to determine whether Shoreline violated numerous regulations, including Pub. Util. Code §§ 5371.2, 5377, and 5381, General Orders 157-A and 157-B, Rules 4.08 and 5.03. The OII was served on Myra Lea Gallo on May 20, 1993.

A prehearing conference (PHC) was held before ALJ Baer on July 30, 1993. No transcript of the PHC was taken. Evidentiary hearings were scheduled in 1994, but the hearings were removed from the calendar and no hearings were held. No testimony was received from respondent Shoreline in I.93-04-009.

Safety and Enforcement Division¹ (S&E) continued its investigation after I.93-04-009 was opened and identified other issues surrounding the operations of Shoreline. The Commission then opened a new OII that suspended Shoreline's certificate for non-compliance with the Department of Motor Vehicles Pull Notice Program. Shoreline's authority to operate was reinstated September 13, 1994 after drivers were enrolled in the Pull Notice Program. Duly noticed hearings were held November 17 and 18, 1994 and May 15 through 19, 1995 in Los Angeles. S&E and Shoreline filed opening and reply briefs.²

Discussion

Records maintained by the Rail Safety and Carriers Division show that Shoreline's certificate was revoked on April 29, 1997 for failure to redeem a bad check issued to this Commission. The Commission has no record of Shoreline conducting business since that time.

Because of the time that has elapsed since the OII was opened and the fact that Shoreline is no longer operating, we will now close these investigations.

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

² S&E filed a motion to strike Shoreline's brief because it did not comply with the Commission's Rules of Practice and Procedure and was filed late. This motion is denied. S&E filed a motion to accept a late-filed reply brief, necessitated by the late filing of Shoreline's opening brief. This motion is granted. Any other motions that have not been ruled on are denied.

Respondent is placed on notice that should she apply in the future for a new permit or certificate, the application may be set for hearing to determine her fitness to hold operating authority from the Commission. Such a hearing, whether held in response to a protest by the staff or on the Commission's own initiative, may include an examination of the issues involved in this proceeding as well as any other matters relevant to respondent's fitness to serve the public as a for-hire carrier of passengers.

Comments on Proposed Decision

The proposed decision of ALJ William R. Stalder in this matter was mailed on October 18, 1999 to the parties in accordance with Pub. Util. Code § 311(d) and Rule 77.1 of the Rules of Practice and Procedure. No comments were received.

Findings of Fact

1. I.93-04-009 was instituted to determine whether Shoreline violated numerous regulations, including Pub. Util. Code §§ 5371.2, 5377, and 5381, General Orders 157-A and 157-B, Rules 4.08 and 5.03.
2. I.94-09-005 was instituted to determine whether Shoreline's charter-party carrier authority should be revoked.
3. Myra Lea Gallo, dba Shoreline is no longer operating.

Conclusion of Law

Because of the time that has elapsed since I.93-04-009 and I.94-09-005 were opened and the fact that Shoreline is no longer operating, these investigations should be closed.

O R D E R

IT IS ORDERED that:

1. Investigation (I.) 93-04-009 is closed.
2. I.94-09-005 is closed.

This order is effective today.

Dated November 18, 1999, at San Francisco, California.

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