

Decision 99-11-047 November 18, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

<p>Application of All Destinations Shuttle, Inc., a California corporation, for authority to operate as a passenger stage between certain portions of Los Angeles and Orange Counties, on the one hand, and Los Angeles International Airport and Burbank Airport, Long Beach Airport, John Wayne Airport, Amtrak Rail Station and Los Angeles and Long Beach Harbors, on the other hand.</p>	<p>Application 94-02-015 (Filed February 4, 1994)</p>
<p>Order Instituting Investigation for Notice of Revocation of Charter Party Carrier Permit (TCP-8889) of Savvas Roditis and All Destinations Shuttle, Inc., Respondents.</p>	<p>Investigation 94-12-012 (Filed December 21, 1994)</p>

Laura Tudisco, Attorney at Law, and John Morgan
for CPUC Safety and Enforcement Division.

OPINION

Background

On February 4, 1994, All Destinations Shuttle, Inc. (All Destinations), filed an application for a passenger stage corporation certificate in which it sought authority under § 1031 et seq., of the Public Utilities Code to conduct on-call door-to-door passenger carrier services between Los Angeles International Airport, Burbank Airport, Long Beach Airport, Ontario Airport, John Wayne Airport, Amtrak Station, Los Angeles and Long Beach Harbors, and certain

points in Los Angeles and Orange Counties. On July 15, 1994, All Destinations filed an amendment to the application.

On December 21, 1994, the Commission issued an Order Instituting Investigation (OII) into the operations of All Destinations and Savvas Roditis, its corporate president and controlling shareholder. The OII was instituted to determine whether All Destinations and Roditis (referred to jointly as respondents) violated numerous regulations, including failure to enroll drivers in the Department of Motor Vehicles (DMV) Pull Notice Program, engaging a driver who had been declared by DMV to be a "negligent operator," failure to maintain evidence of workers' compensation insurance on file, and acting as a taxicab.

A duly noticed hearing was held April 18, 1995. Respondent did not appear at the hearing and was not represented. Safety and Enforcement Division¹ (S&E) represented that the parties were near settlement but did not yet have an agreement. Hearings were rescheduled and held on May 24 and 25, 1995 in Anaheim, California. S&E presented its testimony at hearing. Once again, respondent did not appear, and there was no challenge to the evidence presented by S&E staff. S&E filed a brief on June 30, 1995.

Discussion

The allegations against respondent are very serious, so serious that the OII required immediate suspension of respondent's charter-party carrier permit and proposed permanent revocation of respondent's operating authority as a remedy. The charges against respondent involve behavior that endangers the safety of his passengers and other drivers.

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

Since the time of hearings, respondent's charter-party carrier operating authority has been revoked for other reasons. (Records maintained by the Rail Safety and Carriers Division show that All Destinations's certificate was revoked on January 30, 1995 for failure to maintain evidence of adequate liability insurance on file with the Commission.) The Commission has no record of All Destinations conducting business since that time.

Therefore, the OII's primary remedy, revocation of respondent's authority to operate, has already been accomplished. The only remaining question before us in the OII is whether to extend a finding of prejudice against respondent ever again applying for operating authority. Because of the time that has elapsed since the OII was opened and the fact that All Destinations is no longer operating, we will now close this investigation without further proceedings and without addressing the merits of the charges brought against respondent. Respondent is placed on notice that should he apply in the future for a new permit or certificate, the application may be set for hearing to determine his 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.

Because of the combined nature of the investigation and the application for a certificate of public convenience and necessity, we will also dismiss Application (A.) 94-02-015 without prejudice to Savvas Roditis applying for authority in the future.

Comments on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(d) and Rule 77.1 of the Rules of Practice and Procedure on October 19, 1999. No comments were received.

Findings of Fact

1. Investigation (I.) 94-12-012 was instituted to determine whether All Destinations violated numerous regulations, including failure to enroll drivers in the Department of Motor Vehicles (DMV) Pull Notice Program, and acting as a taxicab.
2. Savvas Roditis, dba All Destinations is no longer operating.

Conclusions of Law

1. Because of the time that has elapsed since I.94-12-012 was opened and the fact that All Destinations is no longer operating, this investigation should be closed.
2. The application of All Destinations for a certificate of public convenience and necessity should be dismissed without prejudice to Savvas Roditis applying for authority in the future.

O R D E R

IT IS ORDERED that:

1. Application 94-02-015 is closed.
2. Investigation 94-12-012 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