

State of California  
MEMORANDUM

Date : June 26, 1991  
To : The Commission  
(Meeting of July 24, 1991)  
From : Public Utilities Commission - *W.R. Schulte*, Director  
Transportation Division  
File : T-158,501 F-3998 Resolution CE 07-91  
Subject: Proposed Resolution Regarding Daily Equipment  
Rentals, Incorporated dba Daily Trucking

Recommendation: The staff recommends that the Commission sign the attached resolution suspending and revoking the dump truck carrier permit held Daily Equipment Rentals Incorporated, dba Daily Trucking. This Procedure was approved by Resolution No. L-228, dated October 4, 1984, for carriers who fail to comply with citations issued by the staff.

Facts: Daily Equipments Rentals, Inc. holds a dump truck carrier permit. On February 2, 1990, the carrier was served with Citation Forfeiture No. F-3998. The citation assessed a fine of \$1,000.00. The carrier failed to timely pay subhaulers as required by Item 210 of Minimum Rate Tariff No. 7-A; engaged six subhaulers without having a bond on file with the Commission, failed to issue written agreements, and engaged one unauthorized subhauler in violation of general Order 102-H.

Comments: Warning letters required by Resolution No. L-228 were mailed to Daily Equipment Rentals, Incorporated on August 15, 1990 and January 4, 1991. There has been no response. In view of the carrier's failure to fulfill its payment agreement, we believe it is no longer appropriate to allow installment payments. Therefore, the proposed resolution provides that the fine must be paid in full to avoid suspension and revocation. Also, the Santa Ana District Office advises that this carrier has not been cooperative in response to their contacts concerning this matter.

Attachment

cc. Jim Diani, License Section

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution CE 7-91  
Transportation Division  
July 24, 1991

R E S O L U T I O N

( RESOLUTION SUSPENDING AND REVOKING THE DUMP TRUCK )  
( CARRIER PERMIT OF DAILY EQUIPMENT RENTALS, INCORPORATED )  
( DOING BUSINESS AS DAILY TRUCKING FOR FAILURE TO COMPLY )  
( WITH CITATION FORFEITURE NO. F-3998. )

WHEREAS, On February 2, 1990 Daily Equipment Rentals, Incorporated dba Daily Trucking was served with Citation Forfeiture No. F-3998; and

WHEREAS, The carrier agreed not to contest the citation and to pay the fine of \$1,000 imposed by Citation Forfeiture No. F-3998 in four installments of \$250 each. Payments were to be made the 1st of the month, commencing September 1, 1990.

WHEREAS, The carrier has failed to comply with the requirements of the citation;

IT IS RESOLVED THAT:

1. The operating authority of the above named carrier is suspended for a period of 30 days, or until the full amount of the citation forfeiture is paid. The carrier may not operate during suspension.

2. If by the end of the 30 day period the carrier has not complied with the terms of the citation no filed for a hearing, then the operating authority of the above named carrier will be automatically revoked.

3. Filing of a request for hearing will stay the revocation of the operating authority, but the suspension will remain in force. The carrier may not operate.

Resolution No. CE 7-91  
July 24, 1991  
Page Two

4. During a hearing, the burden of proof will be on the carrier to show why the revocation should not take place.

The Executive Director is directed to mail a certified copy of this resolution to:

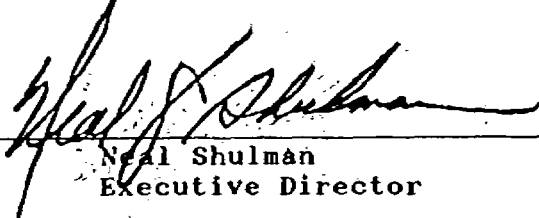
Mr. David Daily, President  
Daily Equipment Rentals, Incorporated  
P.O. Box 29051  
Santa Ana, CA 92799-9051

This resolution is effective today.

I hereby certify that this resolution was adopted by the Public Utilities Commission at its conference on July 24, 1991.

The following Commissioners voted favorably.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
DANIEL Wm. FESSLER  
NORMAN D. SHUMWAY  
Commissioners

  
Neal Shulman  
Executive Director