

State of California

Public Utilities Commission
San Francisco

MEMORANDUM

Date: January 9, 1991

To: The Commission

From: W. R. Schulte, Director, Transportation Division

Ref.: T- 146,517 F-3764-A & B F-4069 Resolution No. 12-90

Subj: Proposed Resolution Regarding KVS, Inc., Ukiah, for the
Commission Meeting of January 9, 1991.

Recommendation: The staff recommends that the Commission sign the attached resolution suspending and revoking the highway common carrier certificate of the subject carrier for failure to comply with the terms of citations to which it has agreed. 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: KVS, Inc., holds only a highway common carrier certificate issued in 1985. The carrier was served Undercharge Citation No. F-3764-A and Citation Forfeiture No. F-3764-B on December 13, 1989. The citations required an answer by January 14, 1990, either agreeing with them by paying fines of \$9,094.88 and \$2,000.00, respectively, or by denying them, in which event the matter was to be set for formal action.

The carrier presented additional facts, resulting in the staff adjusting the undercharges to \$7,540.91. No objection was raised to the citation forfeiture. Although the carrier had signed Form 1's agreeing to the citations, ten months elapsed with out the carrier attempting to satisfy the fines.

A second citation forfeiture, No. F-4069, was served on the carrier September 10, 1990 for further and different violations of the Public Utilities Code. This citation levied a fine of \$1,200.00. An answer to this citation was due on or before September 25, 1990. The carrier signed the Form 1 but made no attempt to pay the fine.

On October 4, 1990 the warning letter required by Resolution No. L-228 was sent. The carrier has still not made any attempt to satisfy the fines.

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Comments: In view of the carrier's continuing failure to satisfy the terms of the citations to which it had previously agreed, the staff believes the attached resolution is appropriate and should be issued. The proposed resolution provides that the carrier's operating authority be suspended until the fines have been paid in full and that, if the fines have not been paid within 30 days, the operating authority shall be revoked.

Attachment

Public Utilities Commission Of The State Of California

Resolution CE 12-90
Transportation Division
January 15, 1991

R E S O L U T I O N

SUSPENDING AND REVOKING THE OPERATING AUTHORITY
OF KVS, INC., FOR FAILURE TO COMPLY WITH VARIOUS
CITATIONS.

WHEREAS, KVS, Inc., Ukiah, signed an undercharge citation and two citation forfeitures (copies of which are attached herein); and

WHEREAS, the citations provided the carrier opted to pay citation fines of \$2,000 and \$1,200, and an undercharge fine. No attempt has been made to satisfy these fines, despite the lapse of one year and a warning letter; and

WHEREAS, the carrier has failed to comply with the requirements of the citation after agreeing to do so in writing;

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 undercharge fine and the two citation forfeitures 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 nor filed for a hearing, then all 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.

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January 15, 1991
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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:

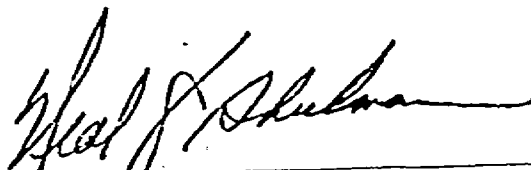
Mr. Gary Hartman, president
KVS, Inc.
Post Office Box 857
Ukiah, CA 95482

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its conference on January 15, 1991.

The following Commissioners approved it:

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. CHANIAN
Commissioners



Neal Shulman
Executive Director

THE NEXT _____
DOCUMENTS ARE
POOR ORIGINALS.

*MICROFILMING SERVICES
ARE NOT RESPONSIBLE
FOR THE IMAGE QUALITY.*

Resolution No. CE 12-90
January 15, 1991

Rec'd 9/14/90



T-146,517

RECEIVED-SAN FRANCISCO
PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA
SEP 13 1990
TRANSPORTATION DIVISION
C & E BRANCH

Public Utilities Commission
STATE OF CALIFORNIA

T. BOYD

FORM 1

I hereby state that I will comply with Citation Forfeiture
No. E-3764-B, dated _____, and herewith
pay a fine in the sum of \$ 2,000.00.

KVS, INC.

(Name of Carrier)

[Handwritten Signature]

(Signature) _____ (Title) *Pres*

9-10-90

(Date)

Resolution No. CE 12-90
January 15, 1991



Public Utilities Commission
STATE OF CALIFORNIA

W. WALDORF

FORM 1

T-146,517

I hereby state that I will comply with Citation Forfeiture
No. P-4060, dated Sept. 10, 1990, and herewith
pay a fine in the sum of \$ 1,200.00.

KVS, INC.

(Name of Carrier)

[Signature]

(Signature)

[Signature]

(Title)

9-10-90

(Date)

Resolution No. CE 12-90
January 15, 1991



T-146,517

Public Utilities Commission
STATE OF CALIFORNIA

FORM 1

I hereby state that I will comply with Undercharge Citation
No. F-3764-A, dated Dec 13, 1989, and herewith
pay a fine in the sum of \$ 6095.49.

K. U. S. INC.

[Signature]
(Name of Carrier)

Pres.
(Signature) (Title)

10-18-90
(Date)