

## Public Utilities Commission of the State of California

Resolution CE 13-92  
Transportation Division  
July 22, 1992

## R E S O L U T I O N

SUSPENDING AND REVOKING THE OPERATING AUTHORITY OF TONY Y. MARTINEZ, DOING BUSINESS AS T.M.T., CHINO, FOR FAILURE TO COMPLY WITH THE TERMS OF AN UNDERCHARGE CITATION.

---

WHEREAS, on October 3, 1984, the Commission approved Resolution No. L-228, adopting a policy for carriers who have operating authority issued by the Commission and who fail to comply with a citation forfeiture issued by the Transportation Division, which policy allows the Executive Director to recommend suspension and revocation of that authority for such failure to comply; and

WHEREAS, on September 8, 1987, the Transportation Division served the carrier with Citation Forfeiture No. F-3754B for \$2,000.00 and Undercharge Citation No. F-3754A for \$20,316.85, which payments were due on October 8, 1989; and

WHEREAS, on September 15, 1989, and again on December 12, 1989, the carrier requested 60-day extensions to complete its review of the alleged undercharge citation, which requests were both granted, extending the due date to February 22, 1990; and

WHEREAS, on May 15, 1990, the Transportation Division informed the carrier that it had not received any further response and advised it that if it did not receive a response by June 10, 1990, it would consider the citation denied and request the issuance of an Order Instituting Investigation; and

WHEREAS, the carrier, on June 11, 1990, sent a check for \$1,000.00 toward the \$2,000.00 citation forfeiture and promised to pay the balance in two payments of \$500.00 each, which payments it completed on August 7, 1990; and

WHEREAS, on June 14, 1990, the Transportation Division received a letter from the carrier's tariff agent dated June 8, 1990, questioning the tariff item upon which the staff had based the undercharge citations; and

WHEREAS, on April 10, 1991 the carrier was informed that Undercharge Citation No. F-3745A of \$20,316.85 remained unpaid; and

WHEREAS, the Transportation Division properly advised the carrier of the consequences of its failure to comply with the undercharge citation, pursuant to the provisions of Resolution No. L-228; and

Resolution No. CE-13-92  
July 22, 1992  
Page 2

WHEREAS, in February, 1992, Mrs. Martinez advised the staff by telephone that T.M.T. would begin paying \$1,000.00 a month starting February 1, 1992; and

WHEREAS, to date, no payment has been received; and

WHEREAS, the carrier's failure to comply with the undercharge citation continues;

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 citation is paid, during which time the carrier may not operate.

2. If by the end of the 30 day period the carrier has neither complied with the terms of the citation nor requested a hearing its operating authority will be automatically revoked.

3. Although a request for a hearing will stay the revocation of the operating authority, absent full payment of the amount of the undercharge citation the suspension will remain in force and the carrier may not operate.

4. During the hearing, the carrier will have the burden of showing cause why its authority should not be revoked.

Resolution No. CE-13-92  
July 22, 1992  
Page 3

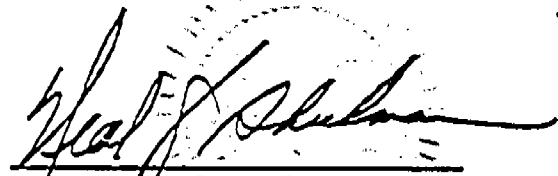
The Executive Director is directed to mail a certified copy of this resolution to:

Tony Y. Martinez  
DBA: T.M.T.  
P.O. Box 277  
Chino, CA 91708

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its conference on JUL 22 1992.

The following Commissioners approved it:

  
Ira J. Shulman  
Executive Director

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