

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RESOLUTION CE 16-92
Transportation Division
August 11, 1992

R E S O L U T I O N

SUSPENDING AND REVOKING THE OPERATING AUTHORITY
OF DAN ANDREW WELLS DOING BUSINESS AS DAN WELLS
TRUCKING FOR FAILURE TO COMPLY WITH CITATION
FORFEITURE NO. F-4258.

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 the citation forfeiture issued by the Transportation Division. Under this policy, the Executive Director may recommend suspension and revocation of the carrier's authority for such failure to comply; and

WHEREAS, on April 17, 1991, the Transportation Division served Dan Andrew Wells dba DAN WELLS TRUCKING Citation Forfeiture No. F-4258, in the amount of \$1,000, for conducting operations as an agricultural carrier before he was issued a permit by the Commission authorizing such operations.

WHEREAS, on May 2, 1991, the carrier signed Form 1 agreeing to comply with the citation.

WHEREAS, on May 3, 1991, the carrier requested and was granted authority by telephone to remit the fine in ten monthly installments of \$100 each.

WHEREAS, payments of \$100 each were received on September 16, 1991 and November 18, 1991; however, no further payments were received.

WHEREAS, on March 18, 1992, the warning letter required by Resolution L-228 was sent to the carrier.

WHEREAS, on April 15, 1992, a letter was sent to the carrier granting his request for an extension to May 15, 1992 to pay the balance of the fine. The due date was further extended at the carrier's request to June 1, 1992 by telephone. However, none of the fine balance of \$800 has been paid, in spite of numerous staff contacts with the carrier, including discussion of a possible new installment payment arrangement.

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 fine balance of \$800.00 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 the operating authority of the above-named carrier will be automatically revoked.

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

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:

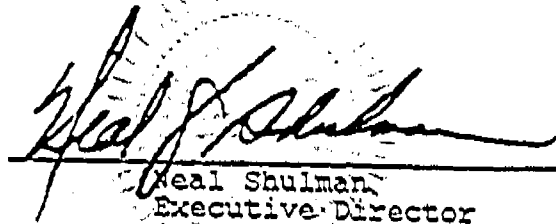
Dan Andrew Wells dba
DAN WELLS TRUCKING
P.O. Box 632
Corning, CA 96021-0632

This resolution is effective today.

I certify that this resolution was adopted by the Public Utilities Commission at its conference on August 11, 1992.

The following Commissioners approved it:

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


Neal Shulman
Executive Director

Commissioner John B. Ohanian,
being necessarily absent, did
not participate.