

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

TRANSPORTATION DIVISION

RESOLUTION No. CE 2-91  
April 10, 1991

R E S O L U T I O N

RESOLUTION SUSPENDING AND REVOKING THE PASSENGER STAGE  
CORPORATION CERTIFICATE OF DELUXE EXPRESS SERVICES, INC.  
FOR FAILURE TO PRODUCE RECORDS FOR EXAMINATION

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Deluxe Express Services, Inc. (Deluxe), a California corporation, 1000 Broadway, Suite 288, Oakland, CA 94607 holds a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC 6415).

Deluxe's certificate was granted by Decision (D.) 90-07-005 in Application 90-03-034, effective July 6, 1990. However, Deluxe was not authorized to commence operations until January 4, 1991, the date that the California Highway Patrol notified the Commission's License Section that they had approved Deluxe's vehicles.

Having received information that Deluxe may have commenced operations on December 20, 1990, an informal investigation was commenced by the Transportation Division staff to determine if violations had occurred. By letter dated January 3, 1991 Deluxe was informed that a representative of the Compliance and Enforcement Branch would be at their office on January 10, 1991 to examine Deluxe's records from the time that they commenced service. This letter asked that certain specified records be made available for inspection. The date for the examination was later changed from January 10th to January 15th. After arriving at Deluxe's office on January 15th, however, the staff representative was told that he would not be allowed to review the carrier's records.

In response to a letter from Deluxe's attorney received on January 17, 1991 regarding the staff's request to examine Deluxe's records, staff advised the attorney on January 23, 1991 that it wished to review Deluxe's records to determine whether any operations were conducted prior to January 4, 1991. He was informed that if the records were not made available for inspection by February 15, 1991, steps would be taken to suspend Deluxe's operating authority. Despite a letter received from Deluxe's attorney on January 30, 1991 indicating that he would advise Deluxe that staff is entitled to inspect Deluxe's records, the carrier continues to refuse access to the requested records.

By letter dated February 8, 1991, the carrier requested that a hearing be held in Sacramento with President Eckert, six members of the Public Utilities Commission staff, Governor Wilson, and representatives of several elected officials in attendance. The letter also requested that Deluxe Express be granted exemptions from Parts 5 and 6 of General Order 158, relating to drivers and record inspections, respectively.

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The Commission finds that Deluxe Express Services, Inc. has failed to produce the records pertaining to their operations as a passenger stage corporation after sufficient requests have been made upon it pursuant to Part 6 of General Order 158. The Commission concludes that its passenger stage corporation certificate should be suspended and revoked unless the records are produced for examination.

The Commission also finds that Deluxe Express Services, Inc. has failed to show good cause for an exemption from Parts 5 and 6 of General Order 158 or for a hearing in Sacramento on this matter.

**IT IS ORDERED that:**

The passenger stage corporation certificate issued to Deluxe Express Services, Inc. is suspended thirty days after the effective date of this order and shall be revoked thirty days after the date of suspension, unless prior to the dates of suspension and revocation the carrier produces the records specified below for examination in the Commission's office located at 350 Pendleton Street, Oakland, CA 94621 at a mutually agreed upon time. Deluxe Express Services shall contact Representative Carl Howard at (415) 557-2092 to set the time and date of the examination.

Deluxe Express Services shall produce the following records covering the period from July 6, 1990 to February 1, 1991: all passenger records, including passenger count sheets; all drivers' records, including names, addresses, license numbers, log books, and payroll information; all vehicle records, including lease agreements, maintenance records, and CHP inspection reports; all Department of Motor Vehicles Pull Notice records, including Requester Code Number; all accounting records, including bank records, cancelled checks, accounts receivable, and accounts payable; and all other documents covering its operations during the period requested.

Deluxe Express Services' requests for exemptions from General Order 158 and a hearing are denied.

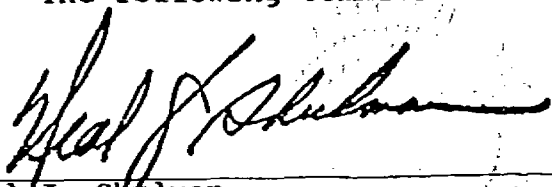
Should Deluxe Express Services, Inc. desire to protest this action, a formal application requesting a hearing must be filed in accordance with the Commission's Rules of Practice and Procedure. Such application will stay the revocation of Deluxe's certificate.

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The Executive Director is directed to cause service of a certified copy of this resolution on any of the officers of Deluxe Express Services, Inc.

The effective date of this order is the date of service upon the carrier.

I hereby certify that the foregoing resolution was duly introduced, passed, and adopted at a regular meeting of the Public Utilities Commission of the State of California, held on Apr 10 1991<sup>1</sup>; The following Commissioners voted favorably:

  
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Neal J. Shulman  
Executive Director

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