

T-9

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution No. CE 9-91
Transportation Division

{ RESOLUTION SUSPENDING AND REVOKING THE HIGHWAY CONTRACT }
{ CARRIER PERMIT OF GLENN MESSER, AN INDIVIDUAL, DOING }
{ BUSINESS AS MESSER TRUCKING FOR FAILURE TO PRODUCE }
{ RECORDS FOR EXAMINATION }

Glenn Messer, an individual doing business as Messer Trucking (T-155,100), holds an Agricultural Carrier Permit issued by this Commission.

By letters dated April 9, May 16 and June 3, 1991, pursuant to Sections 3705, 3706 and 3774(b) of the Public Utilities Code, this carrier was informed that the Commission's Transportation Division desired to examine his transportation records for the purpose of determining compliance with the Commission's rules and regulations. The carrier was requested to produce certain specified records covering the period October 1, 1990 through June 3, 1991 at his bookkeeper's place of business located at 12526 East Paul Avenue, Clovis on June 13, 1991 at 3:00 p.m.

The carrier did not produce its records in response to the staff's requests. Several prior attempts to examine this carrier's records were also disregarded. The carrier has made no subsequent attempt to comply with the staff's request to furnish its records for examination.

The Commission finds that Glenn Messer, doing business as Messer Trucking, has failed to produce the records pertaining to his operations as a Highway Carrier after sufficient requests have been made upon him pursuant to Sections 3705 and 3706 of the Public Utilities Code. The Commission concludes that his Agricultural Carrier Permit should be suspended and revoked unless the records are produced for examination.

It is ordered that:

The Agricultural Carrier Permit issued to Glenn Messer, doing business as Messer Trucking, 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 office located at 2550 Mariposa Street, Rm. 4047, Fresno, CA 93721, telephone 209-445-5081 at a mutually agreed time.

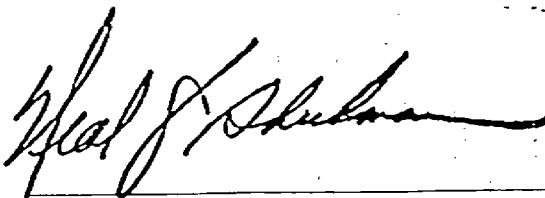
The carrier shall produce all freight bills, bills of lading, contracts, weighmaster certificates, dispatch records, books of account, cancelled checks, check register, subhaul registers and any other supporting documents covering the period October 1, 1990 to June 3, 1991.

Should Glenn Messer 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 carrier's operating authority.

The Executive Director is directed to cause service of a certified copy of the resolution on Glenn Messer.

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

I hereby certify that this resolution was adopted by the Public Utilities Commission at its regular meeting on the 7th day of August, 1991. The following Commissioners approved it:


Neal Shulman,
Executive Director

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

Commissioner Daniel Wm. Fessler, being necessarily absent, did not participate.