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**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own )  
motion into the operations and )  
practices of Kenneth W. Sherrod and )  
Jerry E. Sherrod, a partnership dba )  
K & S Transport, )  
Respondent. )

**F I L E D**  
**PUBLIC UTILITIES COMMISSION**  
**MAY 22, 1991**  
**SAN FRANCISCO OFFICE**  
**I.91-05-044**

ORDER INSTITUTING INVESTIGATION

Kenneth W. Sherrod and Jerry E. Sherrod, a partnership doing business as K & S Transport (Respondent Carrier) (K & S) whose mailing address is 3293 Airport Road, Placerville, California 95667, is engaged in the business of transporting property over the public highways of this state for compensation. K & S operates pursuant to a highway contract carrier permit issued January 9, 1990 and a dump truck carrier permit issued April 11, 1990. (T-164,835)

It appears that respondent K & S may have conducted operations as a subhauling dump truck carrier over the public highways of this state before being issued a dump truck carrier permit.

It further appears, after Commission staff review of relevant documents and records, that the above named carrier may have violated Section 3611 of the Public Utilities Code (see Attachment A). On May 30, 1990, a citation forfeiture, with a fine of \$750.00 was served on the respondent carrier. The carrier denied the citation.

Good cause appearing; therefore,

**IT IS ORDERED** that an investigation on the Commission's own motion is hereby Instituted into the operations and practices of respondent K & S for the purpose of determining:

1. Whether respondent K & S has violated Section 3611 of the Public Utilities Code by conducting operations as a dump truck carrier without a permit issued by the Commission authorizing such operations;

2. Whether any or all of respondent K & S's operating authority should be cancelled, revoked, or suspended, or in the alternative, a fine imposed pursuant to Sections 3774 and 3805 of the Public Utilities Code;

3. Whether respondent K & S should be ordered to cease and desist from any and all unlawful operations and practices; and

4. Whether any other orders that may be appropriate should be entered in the lawful exercise of the Commission's jurisdiction.

A public hearing in this matter shall be held before an Administrative Law Judge of the Commission at a time and place to be determined, at which time and place all interested parties may appear and be heard.

The Executive Director is directed to cause a certified copy of this order to be served by mail on respondent Kenneth W. Sherrod and Jerry E. Sherrod dba K & S Transport. The Executive Director is also directed to cause a certified copy of this order to be served personally forthwith on respondent K & S Transport.

This order is effective today.

Dated May 22, 1991, at San Francisco, California.

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

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

*ps*

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY

*Neal J. Schulman*  
NEAL J. SCHULMAN, Executive Director

I.91-05-044

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Attachment A

K & S TRANSPORT  
Placerville

T-164,835

DEBTOR: GREEN RIVER CONSTRUCTION CO., INC.  
Sacramento, California

PRIME CARRIER: LINDEMAN BROTHERS TRUCKING  
Broderick, California

<u>Part No.</u>	<u>Freight Bill No.</u>	<u>Date</u>
1	16076	10- 3-89
2	16078	10- 4-89
3	16080	10- 5-89
4	16082	10- 6-89

End of Attachment A