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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
motion into the operations and)
practices of U.C. Moving Services,)
Inc., a California corporation.)
Respondent.)

ORIGINAL
FILED
PUBLIC UTILITIES COMMISSION
JUNE 5, 1991
SAN FRANCISCO OFFICE
I.91-06-004

ORDER INSTITUTING INVESTIGATION

U.C. Moving Services, Inc. (Respondent Carrier) (UC) whose mailing address is 26999 Industrial Blvd., Hayward, California 94545 is engaged in the business of transporting property over the public highways of this state for compensation. UC operates pursuant to a highway common carrier certificate, a highway contract carrier permit and a household goods carrier permit all issued October 17, 1988. (T-159,566)

Public Utilities Code (PUC) Section 3774.5 prescribes a procedure by which the Department of the California Highway Patrol (CHP) may recommend to the Commission that the operating authority of highway permit carriers be suspended for the carrier's failure to meet safety requirements. PU Code Section 5285.5 prescribes the same procedure for household goods carriers.

These sections provide that if the CHP submits a written recommendation of suspension, the Commission shall suspend the carrier's operating authority. Before submitting such a recommendation the CHP must notify the carrier in writing that: (1) its safety record is unsatisfactory, furnishing a copy of any documentation or other evidence supporting the determination; (2) the unsatisfactory rating may result in a suspension or revocation of the carrier's operating authority; and, (3) a review of the rating may be requested from the CHP within five days of its receipt.

Sections 3774.5 and 5285.5 provide that a carrier may appeal a suspension by requesting a hearing before the Commission.

Under the provisions of PU Code Sections 3774.5 and 5285.5, the Commission may suspend or revoke the operating authority of highway and household goods carriers for their failure to enroll in the Department of Motor Vehicles driver Pull Notice Program as required by California Vehicle Code Section 1808.1. and in compliance with regulations contained in Title 13 of the California Administrative Code relative to motor carrier safety.

On April 13, 1990, R. P. Rengstorff, Chief of the CHP's Enforcement Services Division, wrote to the Director of the Commission's Transportation Division advising that an inspection of Respondent's terminal was performed March 15, 1990. The inspection resulted in an unsatisfactory terminal rating. Chief Rengstorff recommended that the operating authorities of U.C. Moving be suspended. The highway common carrier certificate, highway contract carrier permit and household goods carrier permit authorities of U.C. Moving were suspended on April 17, 1990 pursuant to Sections 1070.5, 3774.5, 5285.5 and Resolution TL-18336.

As a result of the April 17, 1990 suspension, Respondent filed an application for reinstatement with the Commission. This caused the CHP to conduct another terminal inspection on April 25, 1990. By memorandum dated June 7, 1990, Chief Rengstorff advised that Respondent's terminal was then found to be satisfactory and that the suspension should be lifted. Respondent's authorities were reinstated June 20, 1990.

A staff investigation disclosed that Respondent UC had apparently continued to conduct operations as a highway contract carrier and a household goods carrier during the period April 17, 1990 through June 20, 1990 when its operating authorities were suspended for failure to meet applicable safety requirements.

It appears that respondent U.C. Moving may have conducted operations as a highway contract carrier and a household goods carrier over the public highways of this state during a period of operating authority suspension. It further appears, after Commission staff review of relevant documents and records, that the above named carrier may have violated Sections 3774.5, 3775, 5285.5 and 5286 of the Utilities Code.

Good cause appearing; therefore,

IT IS ORDERED that an investigation on the Commission's own motion is instituted into the operations and practices of U.C. Moving Services, Inc. for the purpose of determining:

1. Whether respondent UC has violated Sections 3774.5 and 3775 of the Public Utilities Code by conducting operations during the period its highway contract carrier permit was suspended for failure to meet California Highway Patrol Safety Requirements;

2. Whether respondent UC has violated Sections 5285.5 and 5286 of the Public Utilities Code by conducting operations during the period its household goods carrier permit was suspended for failure to meet California Highway Patrol safety requirements;

3. Whether any or all or respondent carrier's operating authority should be cancelled, revoked, or suspended, or in the alternative, a fine of up to \$ 20,000 for each offense be imposed pursuant to Sections 3774, 3805, 5286 and 5315 of the Public Utilities Code;

4. Whether respondent U.C. Moving should be ordered to cease and desist from any and all unlawful operations and practices; and

5. 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 at a time and place to be determined, at which time all interested parties may appear and be heard.

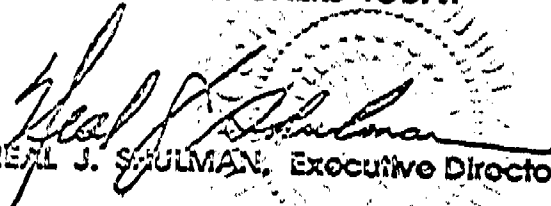
The Executive Director shall cause a certified copy of this order to be served by mail on respondent U.C. Moving Services, Inc. The Executive Director shall also cause a certified copy of this order to be personally served on respondent U.C. Moving Services, Inc.

This order is effective today.

Dated June 5, 1991, at San Francisco, California.

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

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


NEAL J. SCHULMAN, Executive Director