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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 Allen Forsyth, an )  
individual, doing business as )  
P. F. Flyers, )  
Respondent. )

FILED  
PUBLIC UTILITIES COMMISSION  
MARCH 13, 1996  
SAN FRANCISCO OFFICE  
I.96-03-023

ORIGINAL

ORDER INSTITUTING INVESTIGATION

The California Public Utilities Commission (Commission), pursuant to Division 2, Sections 3501 et seq., regulates the operations and practices of highway carriers within California. The statutes require carriers, among other things, to maintain adequate proof of public liability and workers' compensation insurance on file with the Commission, and specifically prohibit carriers from operating without first complying with the accident liability protection requirements of P.U. Code Section 3631.

Allen Forsyth, doing business as P. F. Flyers (Respondent), whose mailing address is 11836 Juniette, Culver City, California 90230, operates over the public highways of this state pursuant to a highway contract carrier permit issued February 14, 1986 under T-151,223.

THE INVESTIGATION

The Safety and Enforcement Division staff (staff) informs us that it initiated an investigation of Mr. Forsyth's operations on December 5, 1995. The staff has obtained evidence that Mr. Forsyth conducted for-hire carrier operations during the period in which his operating authority was suspended for failure

to maintain evidence of liability insurance on file with the Commission. The staff has also obtained evidence that he performed these operations without any public liability insurance in effect.

DISCUSSION

We are concerned with the seriousness of the violations alleged by staff. Our focus on regulation of highway carriers of property for the purpose of ensuring safe, adequately insured operation on California's highways requires us to investigate the alleged violations and impose sanctions sufficient to secure compliance from carriers.

Good cause appearing, therefore,

IT IS ORDERED that an investigation on the Commission's own motion is instituted into the operations and practices of Allen Forsyth, doing business as P. F. Flyers, respondent, for the purpose of determining:

1. Whether respondent violated Section 3571 of the Public Utilities Code by conducting operations as a highway contract carrier without a valid permit in force issued by the Commission.
2. Whether respondent violated Section 3775 of the Public Utilities Code by conducting operations as a highway carrier during a period of suspension.
3. Whether respondent's operating authority should be suspended, cancelled or revoked, or in the alternative, a fine of not exceeding twenty thousand dollars (\$20,000) should be imposed pursuant to Public Utilities Code Section 3774.
4. Whether respondent should be ordered to cease and desist from any unlawful operations and practices.

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

The Safety and Enforcement Division staff, if it elects to do so, may present additional evidence at any hearing beyond that described in this order, either through testimony or documentation. The staff's prepared testimony supporting its allegations shall be served as soon as practicable (ideally before a prehearing conference), on the Respondent, Mr. Allen Forsyth.

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

The Executive Director is directed to cause a certified copy of this order to be personally served upon Respondent, Mr. Allen Forsyth, doing business as P. F. Flyers, 11836 Juniette, Culver City, California 90230. If personal service cannot be made on Respondent, despite diligent efforts, then service may be made by mailing a copy by certified mail to Respondent at his address of record.

This order is effective today.

Dated March 13, 1996, at San Francisco, California.

P. GREGORY CONLON  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners

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