
PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

August 18, 2015

Agenda ID #14223

TO PARTIES OF RECORD IN CITATION APPEAL K.15-05-022

This is the draft Resolution of Administrative Law Judge MacDonald regarding the Appeal of Alive Transportation Inc., (TCP 24307) from Citation No. UCSD-722. It will not appear on the Commission's agenda sooner than 30 days from the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft resolution, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own order. Only when the Commission acts does the resolution become binding on the parties.

You may serve comments on the draft resolution. Opening comments shall be served no later than September 7, 2015. Service is required on all persons on the attached service list. Comments shall be served consistent with the requirements of Pub. Util. Code § 311(g) and Rule 14.5 of the Rules of Practice and Procedure.

Finally, comments must be served separately on Administrative Law Judge MacDonald at Katherine.macdonald@cpuc.ca.gov, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ KAREN V. CLOPTON
Karen V. Clopton, Chief
Administrative Law Judge

KVC:ek4

Attachment

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-318
Administrative Law Judge Division
_____, 2015

RESOLUTION

RESOLUTION ALJ-318 – Resolves Appeal No. K.15-05-022, the Appeal of Alive Transportation Inc., (TCP 24307) from Citation No. UCSD-722

This resolution resolves the appeal of Citation No. UCSD-722 issued to Alive Transportation Inc. (Alive), (TCP 24307), by the California Public Utilities Commission’s (Commission) Safety and Enforcement Division (SED) on May 6, 2015. On July 17, 2015, SED moved to close this proceeding because Citation No. UCSD-722 was rescinded. SED explained that it was rescinding Citation No. UCSD-722 because of an ongoing open investigation of Alive. Alive did not respond to this motion.

The Commission regulates charter-party carriers of passengers primarily pursuant to the Passenger Charter-Party Carriers’ Act (Pub. Util. Code § 5351, et seq.) Pursuant to Resolution ALJ-187, issued by the Commission on September 22, 2005, SED¹ is authorized to issue citations to various classes of transportation carriers for violation of the Public Utilities Code and/or Commission orders. In turn, a carrier issued such a citation may accept the fine imposed or contest it through a process of appeal under Resolution ALJ-299.²

In SED’s July 17, 2015 motion, SED requested an order granting the motion but also sought to reserve the right to consolidate the violations indicated in Citation No. UCSD-722 with any violations found in SED’s ongoing investigation.

¹ Resolution ALJ-187 confers authority on the Consumer Protection and Safety Division now known as the Safety and Enforcement Division.

² The Commission issued Resolution ALJ-299 on June 26, 2014 for application beginning on January 1, 2015.

No hearing has been held in this appeal. Because SED has an ongoing investigation of Alive Transportation that may result in additional violations, we conclude the instant proceeding should be closed. It is more efficient to wait until the ongoing investigation is concluded and any violations found consolidated into a single matter should Alive choose to appeal. As a result, we grant SED's motion and close this appeal.

COMMENTS

The draft resolution of the ALJ Division in this matter was mailed in accordance with Section 311 of the Public Utilities Code and Rule 14.5 of the Commission's Rules of Practice and Procedure. Comments were served on _____.

THEREFORE, IT IS ORDERED that:

1. Citation UCSD-722 was rescinded by the Safety and Enforcement Division. As a result, the Appeal of Alive Transportation Inc., (TCP 24307) from Citation No. UCSD-722 is moot.
2. The Safety and Enforcement Division may consolidate the violations indicated in Citation UCSD-722 with any violations resulting from its ongoing investigation.
3. This proceeding is closed.

This resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on _____, the following Commissioners voting favorably thereon:

TIMOTHY J. SULLIVAN
Executive Director

***** SERVICE LIST *****
Last Updated on 18-AUG-2015 by: AMT
K1505022 LIST

***** PARTIES *****

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