

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of FEDERICO PANTOJA for a grant of authority to operate as a Household Goods Sub-hauler.

Application 15-01-004
(Filed January 12, 2015)

DECISION GRANTING PERMIT**Introduction**

In this decision, we grant Federico Pantoja (Pantoja or applicant), a Household Goods Carrier Permit.

Background

In May of 2012, Pantoja submitted his application for a Household Goods Carrier Permit. Pantoja certified in writing that he had been convicted of a felony. Pantoja included a letter dated April 20, 2012, in which he stated that he had been arrested in 1997 for receiving stolen property, was convicted and completed probation for the offense. Pantoja also stated he was arrested in 2005 and charged with possession of a controlled substance; he completed rehab and completed probation for the offense.

On June 18, 2013, the Deputy Director of the Safety and Enforcement Division (SED), responded to Pantoja that SED had confirmed Pantoja's convictions with the California Department of Justice, and SED refused to issue a permit to Pantoja (MTR-190943, denied).

On January 15, 2015, Pantoja filed this formal application seeking a Household Goods Carrier Permit from the Commission. Pantoja submitted a

new, updated application for the permit, and addressed the focus of the rejection of the previous permit application.

Pantoja states his criminal past is no longer a risk factor to the public. Mr. Pantoja is now 38 years of age and affirms that his life has changed for the better since his prior illegal activities performed in 2005 and earlier. He kicked his drug habit, and built an exemplary employment record with Sterling Van Lines, a successful moving and storage company. The Manager of Sterling Van Lines supports Pantoja's application for a Household Goods Carrier Permit.

Notice of filing of the application appeared in the Commission's Daily Calendar on January 13, 2015. The application was served on the SED Director. Resolution ALJ 176-3349, dated January 15, 2015, preliminarily categorized the application as ratesetting and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3349.

Discussion

SED originally denied Pantoja a permit based on his criminal convictions. Subsequently Pantoja demonstrated compliance with the law over many years. Pantoja overcame his problems with drugs and worked as an exemplary employee in the moving and storage business. In sum, based on the particular facts of this case, we find that Pantoja's decade-old criminal convictions are not sufficient to render him otherwise unfit to receive a Household Goods Carrier Permit.

We will grant Federico Pantoja a Household Goods Carrier Permit.

Assignment of Proceeding

Elizaveta I. Malashenko is the assigned Examiner in this proceeding.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311 (g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Findings of Fact

1. No hearing is necessary.
2. Pantoja was convicted of felonies in 1997 and 2005.
3. No evidence of subsequent criminal convictions has been presented.
4. SED has not disputed that Pantoja now meets the qualifications for Household Goods Carriers.
5. Pantoja is an exemplary employee of Sterling Van Lines.

Conclusions of Law

1. In the context of the facts of this application, Pantoja's decade-old criminal convictions are not sufficient grounds to deny a Household Goods Carrier Permit.
2. Pantoja meets the commission's fitness requirements for Household Goods Carriers.
3. The commission should grant applicant a Household Goods Carrier Permit pursuant to § 5135, effective immediately.

O R D E R

IT IS ORDERED that:

1. The Commission's Safety and Enforcement Division shall issue a Household Goods Carrier Permit to Federico Pantoja upon its receipt of any additional information or documents that may be needed to satisfy the requirements of the Household Goods Carriers Act or Commission regulations.
2. This proceeding is closed.

This order is effective today.

Dated _____ at San Francisco, California.