

**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

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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 On July 17, 2015, SED moved to close this proceeding because Citation No. UCSD-722 was rescinded.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, SED<sup>1</sup> 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.<sup>2</sup>

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.

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

<sup>2</sup> 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. No Comments were filed.

**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:

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TIMOTHY J. SULLIVAN  
Executive Director

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

\*\*\*\*\* PARTIES \*\*\*\*\*

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