STATE OF CALIFORNIA EDMUND G. BROWN JR., *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

August 8, 2016 Agenda ID #15090

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ-333:

This is the draft Resolution of Administrative Law Judge (ALJ) Gerald F. Kelly regarding Appeal K.16-05-012 of Citation No. CPED FC-788 of Miguel A. Duenas an individual doing business as (dba) VIP Transportation Services. 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 August 29, 2016, and reply comments shall be served no later than September 6, 2016. 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 Kelly at gk1@cpuc.ca.gov, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ DOROTHY J. DUDA for
Karen V. Clopton, Chief
Administrative Law Judge

KVC:lil

Attachment

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-333
Administrative Law Judge Division

R E S O L U T I O N

RESOLUTION ALJ-333. Resolves the Appeal K.16-05-012 of Citation No. CPED FC-788 of Miguel A. Duenas an individual doing business as (dba) VIP Transportation Services (PSG 0026782)

SUMMARY

This resolution resolves the appeal of Citation No. CPED FC-788 issued to Miguel A. Duenas, an individual doing business as (dba) VIP Transportation Services (VIP) by the California Public Utilities Commission's (Commission) Consumer Protection and Enforcement Division (CPED)[1] Citation No. CPED FC-788 issues a fine of $5,000 for six violations (16 counts) of the Public Utilities Code and the Commission's General Orders 115-F and 157-D during the period of November 19, 2015 through January 19, 2016. The citation is affirmed.

BACKGROUND

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, Consumer Protection and Enforcement Division (CPED) is authorized to issue citations to various classes of transportation carriers for violation of the Pub. Util. 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]

[1] The Transportation Enforcement Branch, which issued Citation FC-788, is no longer part of the Commission's Safety and Enforcement Division, but is instead part of the newly created Consumer Protection and Enforcement Division.

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

On March 28, 2016, CPED issued Citation FC-788 for Violations of Public Utilities Code to Miguel A. Duenas doing business as (dba) VIP Transportation Services (VIP). The underlying investigation covered the period of November 19, 2015, through January 19, 2016. The citation was issued for violations during this period as follows:

1. Failure to obtain the required level of public liability insurance coverage for two vehicles with seating capacity of 16 passengers or more in violations of Pub. Util. Code §§ 5387, 5391 and GO 115-F [9 counts];

2. Engaging two employee-drivers without evidence of workers compensation insurance in effect and on file with the Commission in violation of Pub. Util. Code § 5378.1 [2 counts];

3. Failure to enroll two drivers into the Department of Motor Vehicle's (DMV) Employer Pull Notice (EPN) Program in violation of Pub. Util. Code § 5374(a)(1)(D); GO 157-D, Part 5.02 and California Vehicle Code (CVC) § 1808.1. [2 counts];

4. Failure to enroll one driver into a mandatory alcohol and controlled substance testing certification program for pre-employment and random drug testing in violation of Pub. Util. Code § 5374(a)(1)(I) and GO 157-D, Part 10.02. [1 count];

5. Engaging a driver that did not possess the proper California driver's license (CDL) to drive a carrier's larger for-hire vehicles in violation of GO 157-D, Part 5.01 and CVC §§ 12500, 15250 and 15278 [1 count]; and

6. Failure to maintain and issue waybills containing information required by GO 157-D, Part 301. [1 count]

APPEAL

VIP filed a timely appeal of Citation FC-788 and the Commission granted the request for an appeal hearing. The appeal hearing was held on July 8, 2016. VIP and CPED appeared as parties at the scheduled hearing. CPED offered into evidence the Confidential Compliance filing,[3] which included the following attachments:

[3] A public version of the Confidential Compliance filing was also filed in this proceeding.

Attachment 1:	VIP's public liability insurance policy issued by Zurich Insurance
Attachment 2:	Equipment statement/California Highway Patrol (CHP) Inspection Request form
Attachment 3:	Printout from VIP's website advertising vehicles with a 20-passenger and 35-passenger capacity
Attachment 4:	CHP's inspection report dated June 9, 2015
Attachment 5:	Printout of VIP's Yelp reviews for March 7, 2016 and March 9, 2016
Attachment 6:	Photographs taken of three of VIP's vehicles during the inspection conducted by Inspector Stephen Vaisa on March 11, 2016
Attachment 7:	Email from VIP's insurance agent showing the premiums for an excess liability policy in the amount of $3.5 million
Attachment 8:	15 Waybills from November 20, 2015 through December 31, 2015
Attachment 9:	Workers' Compensation Cancellation letter dated October 8, 2013
Attachment 10:	Online application for Workers' Compensation Insurance dated January 19, 2016
Attachment 11:	[Department of Motor Vehicle's (DMV)] EPN record dated January 12, 2016
Attachment 12:	E-mail from Consortium Compliance indicating that two employees were added to the alcohol/drug program
Attachment 13:	DMV driving record for Miguel A. Duenas

In addition, during the evidentiary hearing CPED also introduced:

CPED 1:	Email from Department of Industrial Relations indicating that there is no record of VIP being self-insured for Workers' Compensation injuries
CPED 2:	Public version of the DMV EPN record dated July 5, 2016
CPED 3-C:	Confidential version of the DMV EPN record dated July 5, 2016

During the evidentiary hearing VIP introduced:

VIP 1: Two photographs of the interior of a vehicle

Safety and Enforcement Division moved to file Citation FC-788-C (a version of Citation FC-788-C containing confidential information) and Exhibit CPED 3-C under seal. The evidentiary record was submitted on July 8, 2016. With respect to the confidential material under seal, the Commission has granted similar requests for confidential treatment in the past and does so here. We agree the information involves personal information. We therefore authorize the confidential treatment of Citation FC-788-C and Exhibit CPED 3-C as set forth in the ordering paragraphs of this resolution. The request to file under seal is granted until the Commission's final decision addressing this citation appeal is no longer subject to judicial review.

RESOLUTION OF THE APPEAL

At the start of the hearing, Mr. Miguel A. Duenas requested a continuance of the hearing. Mr. Duenas stated that he wished to call one of the CHP Officers as a witness in his case, but was advised by the CHP Officer that Mr. Duenas would have to subpoena the officer in order for him to appear at the citation appeal hearing. Mr. Duenas failed to raise this issue with counsel for CPED or with the Administrative Law Judge (ALJ) prior to the start of the hearing. CPED objected to Mr. Duenas' request.

On June 13, 2016, the ALJ issued a ruling setting the date and time of the hearing. This ruling stated, "[a]t the hearing, parties must be fully prepared to present their case, including documentary evidence and witness testimony if necessary." Additionally, on June 27, 2016, the ALJ sent an email to Mr. Duenas and the attorney for CPED requesting that each side present the ALJ with a witness list and estimate as to how long each side estimated it would take for them to present their case. Mr. Duenas and CPED were instructed to respond to the ALJ's inquiry no later than July 1, 2016. Mr. Duenas never responded to the ALJ's email request.

The request for continuance was denied. Mr. Duenas knew as early as June 13, 2016, that he needed to be prepared to present his case, including "witness testimony if necessary." Additionally, on June 27, 2016, it was requested that Mr. Duenas provide the ALJ and opposing counsel with a witness list no later than July 1, 2016. Mr. Duenas never discussed his witness issues with opposing counsel or the ALJ prior to the start of the hearing. Mr. Duenas was provided with adequate notice that he needed to be prepared to present witness testimony prior to the start of the hearing.

Violation of Pub. Util. Code §§ 5387 and 5391

Pub. Util. Code §§ 5387 and 5391 provides that it is unlawful for the owner of a charter-party carrier of passengers to permit the operation of a vehicle upon a public highway for compensation without adequate protection against liability for personal injuries or death to the passengers. GO 115-F mandates that any vehicle with a seating capacity of eight through 15 passengers shall have liability coverage of at least $1.5 million and any vehicle with a capacity of 16 or more passengers shall have at least $5 million in coverage.

The Commission's License Section (License Section) records show that an Equipment Statement/CHP Inspection Request renewal completed and signed by Mr. Duenas on August 13, 2013, shows the following vehicle seating capacity: white 2003 H2 Hummer has an 18-person seating capacity; white Cadillac Escalade has an 18-person capacity and black 1999 Ford has a 24-person seating capacity. (Attachment 2). Furthermore, during the course of the investigation, staff from the License Section reviewed VIP's website and noted that VIP was advertising a white Hummer as a 20-passenger vehicle; a white Cadillac Escalade as an 18-passenger vehicle; and a black Chevy as a 35-passenger bus. (Attachment 3).

A review of CHP's inspection report dated June 9, 2015, indicates VIP has at least two vehicles with a seating capacity of 16 or more passengers. (Attachment 4). An inspection of VIP's Yelp reviews found instances where Yelp reviewers' commented on using VIP's 23-passenger party bus, 18-passenger Hummer limo, 30-passenger party bus and a 20-passenger Hummer limo. (Attachment 5). Furthermore, Investigator Steve Esguerra (Investigator Esguerra) and Investigator Stephen Vaisa (Investigator Vaisa) inspected three of VIP's vehicles and determined that VIP's white 2002 Cadillac Escalade (VIN 16873) has a seating capacity of 17-19 passengers, the 2003 Hummer H2 has a seating capacity of 20-22 passengers (VIN 02874) and the black 2006 Mercedes has a capacity of 13-14 passengers (VIN 60980). (Attachment 6).

During the course of the investigation, Investigator Esguerra also reviewed VIP's waybills. A review of the waybills reveals that Ruben Gonzalez drove the Escalade and Hummer H2 at least five trips during the period of November 21, 2015 through December 26, 2015. Additionally, records indicate that Salvador Mendoza drove the Escalade and Hummer H2 at least seven times during the period of November 20, 2015, through December 31, 2015.

VIP's public liability insurance carrier verified on December 16, 2015, that VIP maintained liability coverage in the amount of $1.5 million for its larger two vehicles. The Hummer H2 and Escalade were being operated without the required minimum liability insurance.

VIP denies that it was operating a vehicle with a capacity of more than 15 passengers. In support of this claim, VIP submitted a Vehicle/Equipment Inspection Report dated January 17, 2012, which lists the 2002 Cadillac (VIN 16873) as having a passenger capacity of 15.[4]

VIP attempts to refute CPED's claim that it operated a vehicle with 16 or more passengers by stating that VIP frequently "farms out" some of its orders to other charter-party carriers and that other charter-party carriers also have the same types of vehicles that VIP does. Although that might be plausible in certain situations, VIP presented no evidence to establish that any of the seven waybills in question which show 16 or more passengers during the period of November 20, 2015, through December 31, 2015, as being subcontracted to other charter-party carriers.

All of the waybills in question show that the drivers were Ruben Gonzalez or Salvador Mendoza. It is highly unlikely that VIP would "farm-out" an order and also "farm-out" its own employees to another charter-party carrier as well. VIP was advised of the need to be fully prepared to present its case, including documentary evidence or witness testimony. VIP failed to present any evidence that would establish the orders in question were "farmed-out" to other carriers.

The evidence presented establishes that VIP violated Pub. Util. Code §§ 5387 and 5391 and GO 115-F by failing to maintain the required level of public liability insurance on two vehicles during the period in question.

Violation of Pub. Util. Code § 5378.1

Pub. Util. Code § 5378.1 requires every charter-party carrier to have either a certificate of workers' compensation coverage for its employees or a certification of consent to self-insure issued by the Director of Industrial Relations.

License Section records establish that VIP had workers' compensation insurance policy #9014057-13 coverage under State Compensation Insurance Fund (SCIF) effective May 31, 2012. However, as set forth in Attachment 9, the policy was canceled effective October 3, 2013, for failure to submit premium payments.

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[4] There does appear to be some inconsistency concerning the total passenger capacity that the 2002 Cadillac (VIN 16873) contains. The August 13, 2013 Equipment Statement/CHP Inspection Request completed by VIP lists the passenger capacity as 18 (Attachment 2); the Vehicle/Equipment Inspection Report submitted with VIP's citation appeal and dated January 17, 2012 shows the capacity as 15; and the Vehicle/Equipment Inspection Report dated June 9, 2015 shows the passenger capacity as 14. In spite of this inconsistency, VIP's own records establishes that the Cadillac was used at least two times with 16 passengers present (November 27, 2015 and November 28, 2015) (Attachment 8).

VIP subsequently applied for a SCIF policy online on January 19, 2016, which became effective with the issuance of policy 9153940-16 on February 27, 2016. Prior to this, VIP did not have workers' compensation coverage for approximately 29 months.

In the appeal of the citation, VIP contends that it was willing to self-insure any potential workers' compensation claims that could have occurred during the 29 months it did not have workers' compensation coverage. Although it is possible for a charter-party carrier to self-insure any potential workers' compensation claims, the Director of Industrial Relations must issue a certification of consent to self-insure.

CPED verified with the Department of Industrial Relations that VIP was never issued a certification of consent to self-insure (CPED-1). Additionally, VIP admits that it did not have a certification of consent to self-insure issued by Director of Industrial Relations during the 29 months in question.

The evidence establishes that VIP violated Pub. Util. Code § 5378.1 by failing to have either a certificate of workers' compensation coverage for its employees or a certification of consent to self-insure issued by the Director of Industrial Relations during the period of October 3, 2013, through February 26, 2016.

Violation of Pub. Util. Code § 5374(a)(1)(D)

Pub. Util. Code § 5374(a)(1)(D) and GO 157-D provide that every carrier shall enroll in the "Pull Notice Program" of the DMV.

CPED submitted Exhibit CPED-2 and CPED-2C during the hearing. Investigator Esguerra explained that CPED-2 and CPED-2C were printouts that he requested from the DMV's EPN program on July 5, 2016. Investigator Esguerra testified that, as of July 5, 2016, the only individuals enrolled in the DMV's EPN program under VIP's requestor code of CL711 are Ernesto Mejia, Brandi Allen and Salvador Mendoza.[5] CPED contends that Miguel Duenas drove at least three days and Ruben Gonzalez drove at least four days without being enrolled in the DMV's EPN program.

VIP denies that Gonzalez was not enrolled in the DMV's EPN program. However, VIP could not provide any documentation at the hearing that Gonzalez was enrolled in the DMV's EPN program under requestor code CL711. Additionally, VIP contends that Duenas is the owner of VIP and would therefore be aware what is contained in his

[5] VIP's current requestor Code is CL711. Previously, VIP was issued requestor code AU513. AU513 is no longer valid and does not contain any employees enrolled under requestor code AU513.

driving record. Finally, VIP contends that Duenas was enrolled in the DMV's EPN program on March 26, 2016.

Although VIP contends that Duenas was enrolled in the DMV's EPN program on March 26, 2016, VIP could produce no evidence that establishes that the DMV received and processed the request. Finally, the evidence establishes that prior to March 26, 2016, Mr. Duenas was not enrolled in the DMV's EPN program and that Duenas drove at least three times for VIP during the period of December 6, 2015, through December 31, 2015.

The evidence shows that VIP violated Pub. Util. Code § 5374(a)(1)(D) for failure to enroll Ruben Gonzalez and Miguel Duenas in the DMV's EPN program under VIP's current requester code CL711. The importance of the EPN program cannot be overstated. It is one of the Commission's tools to promote driver safety through the ongoing review of driver records.

Violation of Pub. Util. Code § 5374(a)(1)(I)

As relevant here, Pub. Util. Code § 5374(a)(1)(I) provides:

> (a)(1) Before a permit or certificate is issued or renewed, the Commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services.

The Commission shall not issue or renew a permit or certificate pursuant to this chapter unless the applicant meets all of the following requirements:

> …
> (I) It provides for a mandatory controlled substance and alcohol testing certification program as adopted by the Commission pursuant to Section 1032.1.

Finally GO 157-D, Part 10 requires all charter-party carrier applicants (new and renewal) who propose to employ any driver who will operate a vehicle having a seating capacity of 15 persons or less, including the driver, must provide for a mandatory controlled substance and alcohol testing certification.

On February 2, 2016, Consortium Compliance[6] sent Investigator Esguerra an e-mail indicating that VIP added Miguel Duenas and Ruben Gonzalez to their alcohol/drug program on June 12, 2014 (Attachment 12). However, another employee, Salvador Mendoza was not enrolled in the mandatory drug and alcohol screening program prior to driving for VIP. The evidence obtained by CPED establishes that Mendoza drove at least five trips for VIP during the period of November 30, 2015, through December 31, 2015. Finally, evidence submitted by VIP establishes that Mendoza was not tested for illegal substances until May 12, 2016.[7]

The evidence establishes that VIP violated Pub. Util. Code § 5374(a)(1)(I) by allowing one of its employees, Mendoza to drive at least five times during the period of November 30, 2015, through December 31, 2015 prior to enrolling him in the drug and alcohol screening program.

GO 157-D, Part 5.01

Pursuant to GO 157-D, Part 5.01, every driver of a charter-party vehicle shall be licensed as required under CVC and shall comply with the provisions of the Motor Carrier Safety Sections of Title 13 of the California Code of Regulations. CVC §§ 15275 and 15278 require a driver of a vehicle designed to carry more than 10 persons, including the driver, to carry a valid commercial driver's license.

On January 25, 2016, the investigator reviewed VIP's records. At this time, Duenas informed the investigator that he also drives for VIP. Duenas currently has a Class-C non-commercial driver's license. Records indicate that Duenas drove for VIP on December 6, 2015, December 18, 2015, and December 31, 2015. The waybills for each of these days indicate the following number of passengers: 10, 13, and 12, respectively.

Since Duenas does not have a commercial driver's license, VIP violated GO 157-D, Part 5.01 and §§ 15275 and 15278 of the CVC.

GO 157-D, Part 301

Pursuant to GO 157-D, Part 301, every charter-party carrier requires certain information to be included on a waybill or trip report. Under GO 157-D, Part 3.01 the waybill shall include:

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[6] Consortium Compliance is the contract company that handles VIP's controlled substance and alcohol testing certification program.

[7] VIP testified that Mendoza was in fact enrolled in mandatory drug and alcohol testing prior to May 12, 2016. However, VIP could provide no documentation to support this allegation.

1. Name of carrier and Transportation Charter Party (TCP) number.
2. Vehicle license plate number.
3. Driver's name.
4. Name and address of person requesting or arranging the charter.
5. Time and date when charter was arranged.
6. Whether the transportation was arranged by telephone or written contract.
7. Number of persons in the charter group.
8. Name of at least one passenger in the traveling party, or identifying information of the traveling party's affiliation.
9. Points of origination and destination.

On January 25, 2016, CPED requested that VIP provide copies of waybills and contracts. A review revealed that some of the waybills were lacking one or more of the nine required pieces of information contained in GO 157-D, Part 3.01, and set forth above.

VIP disputes the allegations that any of its waybills are in violation of GO 157-D. VIP testified that many of the waybills contained in Attachment 8 do in fact contain the name of the company and TCP number and they contain the name of the client.[8] Additionally, VIP states that when it takes an order, it does not list the name of the driver, but inserts the name of the driver into the contract either on the date of the service or at some point after the service is provided. Finally, VIP contends that it was unaware of the requirement to indicate whether the transportation was arranged by telephone or written contract.

The fact that VIP states that it was not fully aware of all the requirements set forth in GO 157-D, Part 3.01 is not a defense. VIP operates as a charter-party carrier and is therefore subjected to the rules and regulations set forth by the Commission. It is expected that VIP be aware of the rules and regulations of this Commission and comply with them. Finally, although VIP contends that it puts the name of the driver onto the waybill at the time of the event or shortly thereafter, waybills from November 20, 2015, November 21, 2015, November 28, 2015, December 4, 2015, December 6, 2015, December 12, 2015, December 18, 2015, December 26, 2015 and December 31, 2015, continued to lack the name of the driver when the waybills were reviewed by CPED on January 25, 2016.

[8] CPED does not allege that each of the waybills presented by VIP lacks all nine of the required pieces of information. CPED contends that the waybills lack at least one of the required pieces of information.

The evidence shows that many of the waybills produced by VIP failed to contain the information required by GO 157-D, Part 3.01. As a result, VIP violated GO 157-D, Part 3.01.

SAFETY

The Commission has broad authority to regulate charter-party carriers, particularly with regard to safety concerns. (*See* for example, Pub. Util. Code § 451, 5382 and 5387.) We are mindful that the statutory schemes under which this citation was issued in this case for failure to enroll in the DMV's EPN program, the failure to maintain the required level of public liability insurance and the requirements for pre-employment and mandatory drug testing are intended to secure the safety of charter-party carrier passengers. Additionally, the requirement to maintain adequate workers' compensation insurance coverage is a necessity to ensure the safety of charter-party carrier employees.

COMMENTS

Pub. Util. Code § 311(g)(1) requires that a draft resolution be served on all parties, and be subject to a public review and comment period of 30 days or more, prior to a vote of the Commission on the resolution. A draft of today's resolution was distributed for comment by the interested parties.

ASSIGNMENT OF PROCEEDING

Gerald F. Kelly assigned ALJ for this citation appeal.

FINDINGS

1. VIP operated at least two vehicles with a seating capacity of 16 or more passengers, 12 times during the period of November 20, 2015, through December 31, 2015.
2. VIP failed to maintain workers' compensation insurance from October 3, 2013, through February 26, 2016.
3. VIP did not have a certification of consent to self-insure issued by the Director of Industrial Relations during the period of October 3, 2013, through February 26, 2016.
4. Miguel A. Duenas is the owner of VIP.
5. Miguel A. Duenas drove three trips without being enrolled in the DMV's EPN program under VIP's requestor code.
6. Ruben Gonzalez is an employee of VIP.

7. Ruben Gonzalez drove four trips without being enrolled in the DMV's EPN program under VIP's requestor code.
8. Salvador Mendoza is an employee of VIP.
9. Salvador Mendoza drove five times for VIP during the period of November 20, 2015, through December 31, 2015.
10. Salvador Mendoza was not enrolled in mandatory controlled substance and alcohol testing during the period of November 20, 2015, through December 31, 2015.
11. Miguel A. Duenas maintains a Class C non-commercial driver's license.
12. Miguel A. Duenas drove a vehicle designed to carry 10 or more persons on December 6, 2015, December 18, 2015, and December 31, 2015.
13. VIP provided hard copies of waybills/contracts to Investigator Esguerra during the records review on January 25, 2016.
14. GO 157-D requires a waybill/contract to contain the following information: name of carrier, TCP number, vehicle license plate number, driver's name, name and address of person requesting or arranging the charter, time and date charter was arranged, whether the transportation was arranged by telephone or written contract, number of persons in the charter group, name of at least one passenger in the traveling party, or identifying information of the traveling party's affiliation and points of origination and destination.
15. The waybills/contracts provided to Investigator Esguerra did not contain all of the information required by GO 157-D.

THEREFORE, IT IS ORDERED that:

1. Citation FC-788 is affirmed.

2. Miguel A. Duenas, an individual doing business as (dba) VIP Transportation Services must pay a penalty of $5,000 by check or money order payable to the California Public Utilities Commission and mailed or delivered to the Commission's Fiscal Office at 505 Van Ness Avenue, San Francisco, California 94102. VIP Transportation Services may request a payment plan from the Consumer Protection and Enforcement Division.

3. Miguel C. Duenas, an individual doing business as (dba) VIP Transportation Services must either request a payment plan from the Consumer Protection and Enforcement Division or make full payment of the penalty within 30 days of the effective date of this order. Write on the face of the check or money order, "For deposit to the General Fund pursuant to Resolution ALJ-333".

4. The Consumer Protection and Enforcement Division's (CPED) motion to file FC-788-C and Exhibit CPED 2-C under seal is granted until the Commission's final decision addressing VIP Transportation's citation appeal is no longer subject to judicial review. During this period, the information in the confidential portions of the FC-788-C and Exhibit CPED 2-C shall not publically be disclosed except on further Commission order or Administrative Law Judge ruling. When the Commission's final decision addressing VIP Transportation's citation appeal is no longer subject to judicial review, the Commission's Executive Director shall ensure that all copies of FC-788-C and Exhibit CPED 2-C are returned to CPED or destroyed.

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
K.16-05-012
The Appeal of Miguel A. Duenas
dba VIP Transportation Services from Citation No. CPED FC-788

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(End of Service List)