
PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298

February 12, 2018

Agenda ID #16289

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ-351:

This is the draft Resolution of Administrative Law Judge (ALJ) Katherine Kwan MacDonald regarding K.17-11-012, the Appeal of London Rose Tours LLC from Citation F-5380 issued on October 31, 2017 by the Transportation Enforcement Section of the Consumer Protection and Enforcement Division. 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 March 5, 2018, and reply comments shall be served no later than March 12, 2017. 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 kk3@cpuc.ca.gov, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ ANNE E. SIMON

Anne E. Simon

Acting Chief Administrative Law Judge

AES:lil

Attachment

UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Resolution ALJ-351
Administrative Law Judge Division

RESOLUTION

RESOLUTION ALJ-351. Resolves K.17-11-012, the Appeal of London Rose Tours LLC from Citation F-5380 issued on October 31, 2017 by the Transportation Enforcement Section of the Consumer Protection and Enforcement Division.

SUMMARY

This resolution resolves K.17-11-012, the Appeal of London Rose Tours LLC (London Rose) from Citation F-5380 issued on October 31, 2017, by the California Public Utilities Commission (Commission), Transportation Enforcement Section of the Consumer Protection and Enforcement Division (CPED) for violations of the Public Utilities Code Sections and General Order 157-D. On November 27, 2017, London Rose timely filed an appeal. On December 6, 2017, CPED timely filed its compliance filing. An appeal hearing was scheduled for January 23, 2018.

BACKGROUND

On January 12, 2018, the Consumer Protection and Enforcement Division (CPED) submitted a written request to withdraw the instant appeal upon reaching a mutually agreeable settlement with CPED. The e-mail was sent upon the consent of Hector Ocegueda, representing London Rose.¹ On January 24, 2017, Mr. Ocegueda confirmed by e-mail that he wished to withdraw the appeal because he reached an agreeable settlement with CPED.

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, CPED 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

¹ Mr. Ocegueda was copied on the January 12, 2018 e-mail.

citation may accept the fine imposed or contest it through a process of appeal under Resolution ALJ-299.²

The citation appeal of London Rose Tours from Citation F-5380 issued on October 31, 2017 by the Transportation Enforcement Section of the Consumer Protection and Enforcement Division should be dismissed because there are no remaining issues for the Commission to resolve.

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.) The citation appeal process allows the Commission to provide due process and ensure charter-party carriers are meeting their regulatory requirements.

COMMENTS

The draft resolution of Administrative Law Judge MacDonald 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 _____, and reply comments were served on _____ by _____.

THEREFORE, IT IS ORDERED that:

1. The Appeal of London Rose Tours LLC from Citation F-5380 issued on October 31, 2017 is dismissed with prejudice.
2. 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

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

K.17-11-012 LIST
Appeal of London Rose Tours LLC from Citation F-5380

***** **PARTIES** *****

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(End of Service List)