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**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

December 21, 2021

**Agenda ID #20198**

TO PARTIES OF RECORD IN DRAFT RESOLUTION ALJ-414:

This is the draft Resolution of Administrative Law Judge (ALJ) Peter Wercinski resolving K.21-09-015. 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. Comments shall be served (but not filed) within 20 days of the date that the draft Resolution was mailed and published on the Commission's website [link], as provided in Rule 14.5 of the Commission's Rules of Practice and Procedure. Comments shall be served upon all persons on this proceeding's service list and on ALJ Wercinski at [pwi@cpuc.ca.gov](mailto:pwi@cpuc.ca.gov).

/s/ ANNE E. SIMON

Anne E. Simon

Chief Administrative Law Judge

AES:sgu

Attachment

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Resolution ALJ-414  
Administrative Law Judge Division  
[Date]

**R E S O L U T I O N**

RESOLUTION ALJ-414. Resolves K.21-09-015, the Appeal by GoGo Charters LLC of Citation No. T.21-08-003 issued by the Consumer Protection and Enforcement Division.

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**SUMMARY**

This resolution resolves the appeal of Citation No. T.21-08-003 (Citation) issued to GoGo Charters LLC (GoGo Charters) by the California Public Utilities Commission's Consumer Protection and Enforcement Division (CPED). The Citation fines GoGo Charters \$3,000 for advertising as a charter party carrier without valid operating authority. On November 15, 2021, CPED notified the assigned Administrative Law Judge and GoGo Charters that it was withdrawing the Citation. Based upon CPED's withdrawal of the Citation, the appeal is dismissed as moot. This proceeding is closed.

**BACKGROUND**

The Consumer Protection and Enforcement Division (CPED) of the California Public Utilities Commission (Commission) issued Citation No. T.21-08-003 (Citation) to GoGo Charters LLC (GoGo Charters) on August 12, 2021, for advertising as a charter-party carrier without valid operating authority in violation of Public Utility Code Sections 5371 and 5414.5. The Citation sets a fine of \$3,000. On September 28, 2021, GoGo Charters filed an appeal of the Citation. On November 15, 2021, CPED notified the assigned Administrative Law Judge and GoGo Charters that it was withdrawing the Citation.

## DISCUSSION

An action originally based on a justiciable controversy cannot be maintained on appeal if the questions raised have become moot by subsequent acts or events.<sup>1</sup> In this proceeding, GoGo Charters' appeal of the Citation presents a justiciable controversy, but the questions raised by the appeal have become moot because of CPED's withdrawal of the Citation. Therefore, we dismiss GoGo Charter's appeal as moot.

## COMMENTS

The draft resolution was served on the parties for public review and comment in accordance with Public Utility Code Section 311(g)(1), Article 14 of the Commission's Rules of Practice and Procedure, and Rule 18 of Resolution ALJ-377. \_\_\_\_\_ served comments on the draft resolution on \_\_\_\_\_, \_\_\_\_/\_\_\_\_.

## FINDINGS AND CONCLUSIONS

1. On August 12, 2021, CPED issued the Citation to GoGo Charters.
2. On September 28, 2021, GoGo Charters filed an appeal of the Citation.
3. On November 15, 2021, CPED notified the assigned ALJ and GoGo Charters that it was withdrawing the Citation.
4. GoGo Charter's appeal of the Citation should be dismissed as moot.
5. This proceeding should be closed.

Therefore, **IT IS ORDERED** that:

1. The Appeal of GoGo Charters LLC of Citation No. T.21-08-003 issued on August 12, 2021, by the California Public Utilities Commission's Consumer Protection and Enforcement Division is dismissed as moot.

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<sup>1</sup> Decision 03-06-076 at 6 (citing *Finnie v. Town of Tiburon* (1988) 199 Cal.App.3d 1, 10).

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:

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RACHEL PETERSON  
Executive Director



**N O T I C E**

Persons should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TDD# (415) 703-2032 five working days in advance of the event.

\*\*\*\*\* SERVICE LIST \*\*\*\*\*

Last Updated on 21-DEC-2021 by: KB3  
K2109015 LIST

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