

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the transfer of certificate from	)	
<b>JJJ TRANSPORT, INC., d/b/a JJJ TRANSPORT, to</b>	)	File No. 26324
<b>D &amp; D &amp; S LEASING, INC., d/b/a D &amp; D &amp; S</b>	)	File No. 27560
<b>LEASING.</b>	)	
_____	)	

At the December 7, 1998 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman  
Hon. David A. Svanda, Commissioner

**OPINION AND ORDER**

On March 9, 1998, JJJ Transport, Inc., filed an application to transfer its authority in File No. 26324 to D & D & S Leasing, Inc., in File No. 27560. The Commission Staff (Staff) notified the applicant that it would oppose the transfer because of a falsified medical certificate of a driver for D & D & S Leasing. On November 17, 1998, the Staff and D & D & S Leasing submitted a stipulation and settlement agreement resolving the matter.

In the stipulation, attached as Exhibit A, D & D & S Leasing admits that it provided a falsified medical certificate for one of its drivers and agrees to the dismissal of the transfer application. The parties also agree to various sanctions.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1933 PA 254, as amended, MCL 475.1 et seq.; MSA 22.531 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; MSA 22.13(1) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1992 AACCS, R 460.17101 et seq.

b. The stipulation and settlement agreement is reasonable and in the public interest, and should be approved.

THEREFORE, IT IS ORDERED that:

A. The stipulation and settlement agreement, attached as Exhibit A, is approved.

B. The transfer application is dismissed with prejudice.

C. For a period of 5 years from the issuance of this order, Dwight Harkness and D & D & S Leasing, Inc., and any predecessor or successor company or other affiliated company, shall not file an application for authority to operate as a motor carrier in Michigan and shall not conduct regulated intrastate motor carrier transportation.

D. D & D & S Leasing, Inc., shall cease and desist from unsafe and illegal transportation services and shall cease and desist from violations of the Michigan Motor Carrier Act, the Michigan Motor Carrier Safety Act, the Federal Motor Carrier Safety Act, and the Commission's rules and orders.

E. D & D & S Leasing, Inc., shall cooperate with the Commission Staff in the establishment of a monitoring system as required by the stipulation and settlement agreement.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, pursuant to MCL 462.26; MSA 22.45.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand

Chairman

( S E A L )

/s/ David A. Svanda

Commissioner

By its action of December 7, 1998.

/s/ Dorothy Wideman

Its Executive Secretary

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MICHIGAN PUBLIC SERVICE COMMISSION

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Chairman

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Commissioner

By its action of December 7, 1998.

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Its Executive Secretary

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**JJJ TRANSPORT, INC., d/b/a JJJ TRANSPORT, to )**  
**D & D & S LEASING, INC., d/b/a D & D & S )**  
**LEASING. )**  
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File No. 26324  
File No. 27560

Suggested Minute:

“Adopt and issue order dated December 7, 1998 approving the stipulation and settlement agreement between the Commission Staff and D & D & S Leasing, Inc., and imposing sanctions, as set forth in the order.