

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

* * * * *

| | | |
|---|---|-----------------|
| In the matter of the formal complaint filed by the |) | |
| MICHIGAN PUBLIC SERVICE COMMISSION |) | |
| STAFF against ERIC P. BROMBACKER, d/b/a |) | Case No. T-1317 |
| METAL TRANSPORTATION SYSTEMS , as well |) | |
| as assigns, successors, and other d/b/a's and assumed |) | |
| names of the above-referenced entity. |) | |
| _____ |) | |

At the November 18, 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 July 17, 1998, the Commission Staff (Staff) filed a formal complaint against Eric P. Brombacker, d/b/a Metal Transportation Systems, (Metal Transportation) alleging that Metal Transportation had failed to maintain the insurance coverage required by 1984 AACCS, R 460.19101 et seq., since May 8, 1998.

On November 4, 1998, Administrative Law Judge Theodora M. Mace (ALJ) conducted a hearing, at which the Staff appeared and presented evidence. Mr. Brombacker did not appear. At the conclusion of the hearing, the ALJ issued an oral Proposal for Decision (PFD), which found Metal Transportation to be in violation of the Commission's insurance requirements since May 8, 1998. The ALJ recommended that the Commission (1) issue a cease and desist order against further

violations of the Motor Carrier Act, MCL 475.1 et seq.; MSA 22.531 et seq., and the Commission's rules and orders, (2) revoke Metal Transportation's motor carrier authority, and (3) impose an administrative assessment of \$3,000, calculated as approximately \$500 per month for the period of noncompliance. No exceptions to the PFD were filed.

The Commission adopts the ALJ's findings regarding Metal Transportation's violations of the Commission's rules, which are supported by the record. The Commission also adopts the ALJ's recommendation to issue a cease and desist order. The Commission takes into account that the failure to maintain insurance coverage is a serious matter. Under the circumstances, the Commission finds that an assessment of \$3,000 and revocation of Metal Transportation's motor carrier authority are appropriate sanctions for the violations shown on the record.

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 AACS, R 460.17101 et seq.
- b. Metal Transportation violated the Commission's rules by failing to maintain insurance and to file a certificate of insurance, as required by Rules 1101 and 1103 of the Commission's Motor Carrier Rules, 1984 AACS, R 460.19101 and R 460.19103.
- c. Metal Transportation should cease and desist from further violations of the Motor Carrier Act and the Commission's rules and orders.
- d. Metal Transportation should pay an administrative assessment of \$3,000.
- e. Metal Transportation's motor carrier authority should be revoked.

THEREFORE, IT IS ORDERED that:

A. Eric P. Brombacker, d/b/a Metal Transportation Systems, shall cease and desist from further violations of the Motor Carrier Act and the Commission's rules and orders.

B. The motor carrier authority of Eric P. Brombacker, d/b/a Metal Transportation Systems, in File No. 27373 is revoked.

C. Eric P. Brombacker, d/b/a Metal Transportation Systems, shall pay an administrative assessment of \$3,000 to the State of Michigan. Satisfaction of the administrative assessment is a condition to any future application for motor carrier authority filed by Eric P. Brombacker, d/b/a Metal Transportation Systems, or its principal, or any person or entity owned or controlled by Metal Transportation Systems or Eric P. Brombacker.

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 E A L)

/s/ John G. Strand
Chairman

By its action of November 18, 1998.

/s/ David A. Svanda
Commissioner

/s/ Dorothy Wideman
Its Executive Secretary

THEREFORE, IT IS ORDERED that:

A. Eric P. Brombacker, d/b/a Metal Transportation Systems, shall cease and desist from further violations of the Motor Carrier Act and the Commission's rules and orders.

B. The motor carrier authority of Eric P. Brombacker, d/b/a Metal Transportation Systems, in File No. 27373 is revoked.

C. Eric P. Brombacker, d/b/a Metal Transportation Systems, shall pay an administrative assessment of \$3,000 to the State of Michigan. Satisfaction of the administrative assessment is a condition to any future application for motor carrier authority filed by Eric P. Brombacker, d/b/a Metal Transportation Systems, or its principal, or any person or entity owned or controlled by Metal Transportation Systems or Eric P. Brombacker.

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

Chairman

By its action of November 18, 1998.

Commissioner

Its Executive Secretary

In the matter of the formal complaint filed by the)
MICHIGAN PUBLIC SERVICE COMMISSION)
STAFF against **ERIC P. BROMBACKER, d/b/a**)
METAL TRANSPORTATION SYSTEMS, as well)
as assigns, successors, and other d/b/a's and assumed)
names of the above-referenced entity.)
_____)

Case No. T-1317

Suggested Minute:

“Adopt and issue order dated November 18, 1998 revoking the motor carrier authority of Eric P. Brombacker, d/b/a Metal Transportation Systems, imposing an administrative assessment, and requiring the carrier to cease and desist from further violations of the Motor Carrier Act and the Commission’s rules and orders, as set forth in the order.”