

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

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In the matter of the application of)
LEWIS TOWING L.L.C. for a motor)
carrier certificate.)
_____)

File No. 27842

At the May 27, 1999 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

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

ORDER

On December 2, 1998 and January 20, 1999, a hearing was held on the application of Lewis Towing L.L.C. for a motor carrier certificate. At the conclusion of the hearing, Administrative Law Judge James N. Rigas (ALJ) issued an oral Proposal for Decision (PFD) recommending that the Commission deny the application and impose the following sanctions: (1) a cease and desist order against violations of the Motor Carrier Act and the Commission's rules and regulations, (2) a requirement that Lewis Towing submit independent verification of a driver pre-employment drug test with any future application, and (3) an administrative assessment of \$10,000. On March 11, 1999, the day before exceptions were due, Lewis Towing filed a letter seeking to withdraw the application.

On April 12, 1999, the Commission issued an order denying the request to withdraw and establishing a new date for the filing of exceptions to the PFD. No party filed exceptions.

The Commission finds that the PFD is supported by the record and should be adopted.

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 PFD is supported by the record and should be adopted.

THEREFORE, IT IS ORDERED that:

A. The Proposal for Decision is adopted.

B. Lewis Towing L.L.C. shall cease and desist from violations of the Motor Carrier Act, the Motor Carrier Safety Act, and the Commission's rules and regulations.

C. Lewis Towing L.L.C. shall submit independent verification of a driver pre-employment drug test with any future application.

D. Lewis Towing L.L.C. shall pay an administrative assessment of \$10,000 to the State of Michigan within 30 days.

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

/s/ Robert B. Nelson
Commissioner

By its action of May 27, 1999.

/s/ Dorothy Wideman
Its Executive Secretary

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

Commissioner

Commissioner

By its action of May 27, 1999.

Its Executive Secretary

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Suggested Minute:

“Adopt and issue order dated May 27, 1999 adopting the Proposal for Decision, denying the application for motor carrier authority filed by Lewis Towing L.L.C., and imposing sanctions, as set forth in the order.”