

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the complaint of the **MICHIGAN**)
PUBLIC SERVICE COMMISSION STAFF against)
ALTERNATIVE CARTAGE, INC., its assigns and)
successors, and other d/b/a's and assumed names)
of the above-referenced entity.)
_____)

Case No. T-1355

At the February 9, 2000 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 August 19, 1999, the Commission Staff (Staff) filed a complaint against Alternative Cartage, Inc., and any successors in interest, (Alternative) alleging that since May 28, 1999, Alternative had failed to maintain the insurance coverage required by the Commission's Motor Carrier Rules, R 460.18101 et seq. The complaint further alleged that Alternative failed to respond to an opportunity to demonstrate compliance in July 1999.

Pursuant to due notice, a hearing was held on November 3, 1999 before Administrative Law Judge James N. Rigas (ALJ). Alternative failed to appear. However, the Staff presented exhibits and testimony to establish the allegations of the complaint. The Staff recommended that the Commission (1) revoke Alternative's operating certificate, (2) impose a \$3,000 administrative

assessment against Alternative, (3) prohibit Alternative and any of its principals from filing any type of application with the Commission until the \$3,000 assessment is paid in full, and (4) issue a cease and desist order against Alternative's continuing to violate the provisions of the Motor Carrier Act, MCL 475.1 et seq., MSA 22.531 et seq.

After hearing the testimony and reviewing the exhibits, the ALJ issued an oral Proposal for Decision (PFD), in which he found that the Staff had substantiated the allegations in the complaint and that the relief sought by the Staff should be granted.

By letter dated November 5, 1999, notice of the results of the hearing and a proposed order were provided to Alternative. Exceptions and replies to exceptions were due on December 8 and 22, 1999, respectively. No exceptions to the PFD have been filed. The Commission finds that the PFD is supported by the record and should be adopted.¹

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

THEREFORE, IT IS ORDERED that:

A. The Proposal for Decision issued by Administrative Law Judge James N. Rigas on November 3, 1999, is adopted.

¹The Commission notes that as of January 1, 2000, Alternative's authority was terminated as a matter of law for failure to renew. MCL 479.10; MSA 22.575.

B. The authority granted to Alternative Cartage, Inc., in File No. 26973 is revoked.

C. Alternative Cartage, Inc., shall pay to the State of Michigan an administrative assessment of \$3,000.

D. Alternative Cartage, Inc., its principals, whether individually or pursuant to any other assumed name, or any successors in interest, shall not file an application for authority with this Commission until the assessment has been satisfied in full.

E. Alternative Cartage, Inc., its principals, whether individually or pursuant to any other assumed name, and any successor in interest, shall cease and desist from any future violations of the Motor Carrier Act and this order.

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 February 9, 2000.

/s/ David A. Svanda
Commissioner

/s/ Dorothy Wideman
Its Executive Secretary

/s/ Robert B. Nelson
Commissioner

B. The authority granted to Alternative Cartage, Inc., in File No. 26973 is revoked.

C. Alternative Cartage, Inc., shall pay to the State of Michigan an administrative assessment of \$3,000.

D. Alternative Cartage, Inc., its principals, whether individually or pursuant to any other assumed name, or any successors in interest, shall not file an application for authority with this Commission until the assessment has been satisfied in full.

E. Alternative Cartage, Inc., its principals, whether individually or pursuant to any other assumed name, and any successor in interest, shall cease and desist from any future violations of the Motor Carrier Act and this order.

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 February 9, 2000.

Commissioner

Its Executive Secretary

Commissioner

In the matter of the complaint of the **MICHIGAN**)
PUBLIC SERVICE COMMISSION STAFF against)
ALTERNATIVE CARTAGE, INC., its assigns and)
successors, and other d/b/a's and assumed names)
of the above-referenced entity.)
_____)

Case No. T-1355

Suggested Minute:

“Adopt and issue order dated February 9, 2000 adopting the Proposal for Decision, revoking the motor carrier authority of Alternative Cartage, Inc., and imposing a \$3,000 administrative assessment for failure to maintain insurance, as set forth in the order.”