BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2001-264-T

IN RE: Petition of the Office of Regulatory Staff to Revoke the Certificate of Public Convenience and Necessity of Ace Transportation, LLC For Failure to Maintain and File Evidence of Insurance	))))))	MOTION FOR IMMEDIATE SUSPENSION OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

The Office of Regulatory Staff, by the filing of this Motion would respectfully show and request of the Commission:

1. That contemporaneously with this Motion, the Office of Regulatory Staff ("ORS") did file with the Commission a Petition For Rule to Show Cause in the above captioned matter requesting the Commission to schedule a formal administrative hearing to revoke the Certificate of Public Convenience and Necessity of Ace Transportation, LLC (herein "Ace" or "the Company") See Attachment A, Certificate of Public Convenience and Necessity issued by the Commission to **ACE TRANSPORTATION, LLC** on **July 2, 2001**.
2. That as shown in attachments to that Petition, the ORS evidenced that Great Divide Insurance Company cancelled the motor carrier insurance policy of Ace effective September 13, 2001. See Attachment B, Form K.
3. That as a result of the receipt of the Form K, the ORS contacted **ACE TRANSPORTATION, LLC** requiring that the Company provide evidence

of insurance to the ORS within thirty (30) days as **ACE TRANSPORTATION, LLC** would no longer have insurance as required under S.C. Code Ann. §58-23-910 (Supp. 2004). See Attachment B, Form K and Attachment C, Certified Letter of George Parker.

4. That in further support of this Motion, the ORS hereby provides as Attachment D the Affidavit of Jeanne Gordon evidencing that Ace has failed to respond or otherwise provide proof of insurance to the ORS since that date.
5. That the Commission's own regulations specifically provide that the mere failure of a company to file evidence of insurance is sufficient grounds for the suspension of a Certificate of PC&N. As stated in 26 S.C. Code Regs. 103-175 (Supp. 2005) "Either a failure to file evidence of insurance or surety bond or failure to keep all insurance or bonds in full force and effect shall be just cause for the Commission **without further evidence or hearing**, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier." (emphasis added). Further, 26 S. C. Code Regs. 103-240 (Supp. 2005) provides in relevant part that "this rule (providing for notice an opportunity to be heard) shall have no effect upon rules hereinbefore set forth which authorize suspension, revocation, alteration, or amendment of a certificate or of an existing order granting operating rights **without hearing** where certain conditions exist."
6. That while this matter is awaiting a hearing before the Commission, such continued operation by Ace without any form of insurance is contrary to the public interest as an uninsured motor carrier may pose a threat to customers of

the Company and the general public, who would be unaware of Ace's lack of insurance.

WHEREFORE, the ORS staff prays that this Honorable Commission immediately and without further evidence or hearing suspend, pursuant to 26 S.C. Code Regs. 103-175 (Supp. 2005), the Certificate of Public Convenience and Necessity, Number 7119, of Ace Transportation, LLC (issued under Order No. 2001-596 in Docket 2001-264-T) and for such other appropriate action which the Commission may deem necessary and proper.

Jeffrey M. Nelson, Esquire
Nanette S. Edwards
Office of Regulatory Staff
PO Box 11263
Columbia, SC 29211

September 13, 2006
Columbia, SC

Attachment A

Public Service Commission of South Carolina
Columbia, South Carolina

Docket No. 2001-264-T
Order No. 2001-596
Certificate No. 7119

CLASS C CHARTER

Certificate of Public Convenience and Necessity
For the Operation of
MOTOR VEHICLE CARRIERS

NAME: **ACE TRANSPORTATION,LLC.**

ADDRESS: 150 Howell Circle # 438, Greenville, SC 29615

(Mailing address: Post Office Box 17113, Greenville, SC 29606)

is hereby authorized to furnish passenger service, by means of motor propelled vehicles, as follows:

BETWEEN POINTS AND PLACES IN SOUTH CAROLINA

RESTRICTED TO: FIFTEEN (15) PASSENGERS

COPY

THIS CERTIFICATE is issued upon finding by the Commission, that Public Convenience and Necessity require such operation, under the terms of the Motor Vehicle Carriers' Law (Sections 58–23–10 – 58–23–60 of the South Carolina Code of Laws, 1976, and amendments thereto), and,

CONDITIONED: That all motor vehicles operated by virtue of this Certificate shall be so operated in accordance with the said Motor Vehicle Carriers' Law and the Rules and Regulations issued thereunder, and,

CONDITIONED FURTHER: That neither this Certificate nor the rights granted herein shall be sold, assigned, leased, transferred, mortgaged, pledged, or otherwise hypothecated, unless first approved by the Commission.

DATED at Columbia, South Carolina, this 2nd day of July A.D., 2001 .

Gary E. Walsh
Executive Director

William Saunders
Chairman

07/30/2001

EXPIRATION

FORM K
UNIFORM NOTICE OF CANCELLATION
MOTOR CARRIER INSURANCE POLICIES
(EXECUTED IN TRIPLICATE)

NO RECORD OF FILING

RECEIVED
JUL - 6 2006
ORS
T,T,W,W/W

NO INTRASTATE AUTHORITY ON FILE

Check Type Canceled:
BI and PD ☒
Cargo ☐

Filed with SOUTH CAROLINA PSC (NAME OF COMMISSION) (hereinafter called Commission)

This is to advise that under the terms of a policy or policies issued to:

ACE TRANSPORTATION, LLC (NAME OF MOTOR CARRIER)

of PO BOX 5573 GREENVILLE, SC 29606 (ADDRESS OF MOTOR CARRIER)

by Great Divide Insurance Company (NAME OF COMPANY)

of 7273 E. Butherus Dr., Scottsdale, Arizona 85260 (ADDRESS)

JUL 2001
RECEIVED
S.C.D.P.S.
Motor Carrier
Services

said policy or policies, including any and all endorsements forming a part thereof or certificates issued in connection therewith, is (are) hereby canceled effective as of the 13TH day of SEPTEMBER, 2001, 12:01 A.M. standard time at the address of the Insured as stated in said policy or policies provided such date is not less than thirty (30) days after the actual receipt of this notice by the Commission.

Insurance Company File No. CB011481 (POLICY NUMBER)

Bobbie Jorgensen (SIGNATURE OF INSURER)

MC 2445 (Ed. 4-68)

Attachment B

Attachment C

C DUKES SCOTT
EXECUTIVE DIRECTOR

1441 Main Street, Suite 300
Columbia, SC 29201

OFFICE OF REGULATORY STAFF
ORS
SOUTH CAROLINA

Phone: (803) 737-0800
Fax: (803) 737-0801

DAN F. ARNETT
CHIEF OF STAFF

KATIE C. MORGAN
DIRECTOR
TELECOMMUNICATIONS, TRANSPORTATION, WATER/WASTEWATER

July 6, 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ace Transportation, LLC
P.O. Box 11713
Greenville, SC 29615

RE: Public Service Commission Required Intrastate Insurance Filing

Dear Sir/Madam:
Pursuant to S.C. Code Regulation 103-170.1, all motor carriers regulated by the Public Service Commission must file evidence of current insurance. It has been brought to the attention of the Office of Regulatory Staff that our file indicates the most current proof of insurance is a Form E from the Great Divide Insurance Company with an effective date of September 13, 2000. On July 6, 2006, our office received a notice of cancellation (Form K) from Great Divide Insurance Company with the following information:

Insurance Type:	Public Liability and Property Damage Insurance Policy No CB011481
Issued by:	Great Divide Insurance Company
Will be:	***CANCELLED EFFECTIVE 09/13/01* at 12:01 a.m.**

To remain in compliance with the Public Service Regulations, it is necessary that you file proof of current insurance coverage **(FORM E)** with the Office of Regulatory Staff prior to **August 6, 2006.** Proof of insurance can be mailed or faxed to:

S.C. Office of Regulatory Staff
Transportation Department
PO Box 11263
Columbia, SC 29211

Fax: 803-737-0801

****IMPORTANT** **IMPORTANT** **IMPORTANT****

If you have renewed your insurance with the same company or changed insurance companies, please contact our office to see if your insurance company has submitted a current Form E.

If you receive this letter and your company is no longer in business, please contact the Transportation Department at 803-737-0800 and request a Cancellation of Certificate Form.

If you fail to provide this information by August 6, 2006, you are ordered and directed to cease operations that day. Operation without proper insurance is a violation of the law and you will be subject to all penalties as outlined in the S.C. Code of Law and Regulations.

Please contact the Transportation Department with any questions at 803-737-0800.

Sincerely,

L. George Parker
Program Manager, Transportation Department

CERTIFIED MAIL™

State of South Carolina
Office of Regulatory Staff
PO Box 11263
Columbia, SC 29211

7005 0390 0002 6157 3651

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 04.64⁰
0004367136 JUL 10 2006
MAILED FROM ZIP CODE 29201

Ace Transportation, LLC
P.O. Box 11713
Greenville, S[redacted]

OFFICE OF REGULATORY STAFF
AUG 01 2006
Received

RETURN TO ORIGINAL ADDRESS
FOR PROPER HANDLING

[redacted]9211@1263

NIXIE 296 1 34 07/27/06
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 29211126363 *0454-01659-11-42

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2001-264-T

September 13, 2006

IN RE: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers	))))	AFFIDAVIT OF Jeanne Gordon

The Affiant, after having been first duly sworn, deposes and states as follows:

1) My name is Jeanne Gordon and I am employed by the Office of Regulatory Staff ("ORS") as Program Specialist for the Transportation Department.

2) My office is located at 1441 Main Street, Columbia, South Carolina, 29201 (Mailing Address: Post Office Box 11263, Columbia, South Carolina 29201).

3) My duties and responsibilities as Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").

4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.

5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.

6) On August 6, 2006, I examined the business records on file with ORS.

7) I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 has not been filed with ORS by the following company as of September 6, 2006:

Ace Transportation, LLC
PO Box 11713
Greenville, SC 29615

AND FURTHER THE AFFIANT SAYETH NOT.

Jeanne Gordon

Jeanne Gordon
Program Specialist, Transportation Department
Office of Regulatory Staff
P.O. Box 11263
Columbia, South Carolina 29211

Sworn and subscribed before me
this 16 day of August, 20 06

Susan Hauptmann

Notary Public for South Carolina
My Commission Expires: 08-17-07