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BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2017- -T

IN RE:	Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers for Non-Payment of Decal Fees	)))))	**PETITION FOR REVOCATION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF CERTAIN MOTOR CARRIERS**

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission"):

1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. § 58-23-10 *et seq*. (2015 and Supp. 2015); that ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10 *et seq*. (2015 and Supp. 2015).

2. That the companies listed in Exhibit A have been approved by the Commission and certified by the ORS to operate as "motor vehicle carriers" as defined in S.C. Code Ann. § 58-23-10(4) (2015) in that they own, control, operate, or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A, each having applied for and having an Order from the Commission to receive a Certificate of Public Convenience and Necessity ("PC&N") to operate a motor vehicle carrier as defined in S.C. Code Ann. § 58-23-10(4) (2015), have submitted to the jurisdiction of the Commission by holding said Certificate PC&N, and are therefore subject to the jurisdiction of this

Commission pursuant to S.C. Code Ann. § 58-23-1010 *et seq*. (2015 and Supp. 2015). See Exhibit A, Carriers Out of Compliance for Non-Payment of Decal Fees.

4. That the companies listed in Exhibit A, prior to receiving their Certificate of PC&N, were each found to be fit, willing and able to operate as a motor carrier by the Commission; from our understanding that in obtaining such authority the companies certified they are "familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agree to operate in compliance with these statutes and regulations." 10 S.C. Code Ann. Regs. 103-133(4)(a) (2012).

5. That, "[a] holder of a certificate A, B, or C with less than twenty vehicles must semiannually **on or before January first and July first of each year** pay to the Office of Regulatory Staff the following fees: for vehicles weighing not more than two thousand pounds, seven dollars and fifty cents; and for vehicles weighing in excess of two thousand pounds, seven dollars and fifty cents for the first two thousand pounds and two dollars and fifty cents additional for each additional five hundred pounds or part thereof of weight, except that the total license fee may not exceed fifty dollars per vehicle semiannually." S.C. Code Ann. § 58-23-560 (2015) (emphasis added).

6. That, pursuant to S.C. Code Ann. § 58-4-10 *et seq*. (2015 and Supp. 2015), beginning January 1, 2005, ORS must represent the public interest of South Carolina before the Commission and has authority to enforce collection of such fees.

7. That the companies listed in Exhibit A are subject to the fees listed in S. C. Code Ann. § 58-23-560 (2015) and have failed to pay fees that were due on or before January 1, 2017 and therefore, are not in compliance with Commission statutes governing the regulation of motor carriers. See Exhibit B, Affidavit of Carole Chauvin.

8. That "[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the

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holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria...." 10 S.C. Code Ann. Regs. 103-240 (2012).

9. That "[t]he commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate wilfully made any misrepresentation of a material fact in obtaining his certificate or wilfully violated or refused to observe the laws of this State touching motor vehicle carriers or wilfully violated any of the terms of his certificate or of the commission's proper orders, rules or regulations. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The commission must not be a party to any appeal." S.C. Code Ann. § 58-23-320 (2015).

10. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, Carriers Out of Compliance for Non-Payment of Decal Fees. See Exhibit B, Affidavit of Carole Chauvin.

WHEREFORE, ORS respectfully requests that the Honorable Commission:

1. Provide for the opportunity by the carrier to respond to the allegations of this Petition within (30) days from the date of the receipt of this Petition;

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates of PC&N of the carriers listed in Exhibit A, which ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015);

3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided to the

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Commission under 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015) and thereafter immediately enter a final Order; and,

4. For other appropriate action which the Commission may deem necessary.

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