

Decision No. 42647

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation )  
 into the rates, rules, regulations, )  
 charges, allowances and practices )  
 of all common carriers, highway )  
 carriers and city carriers relating )  
 to the transportation of property. )

Case No. 4808

(For APPEARANCES see Appendix "A".

Appearances shown in Appendix "A" are those entered in the instant phase of this proceeding. For earlier appearances, see previous decisions of this case.)

O P I N I O N

Case No. 4808 is a general investigation on the Commission's own motion into rates, rules, regulations, charges, allowances and practices of all for-hire carriers transporting property between points within this state. This decision relates to evidence concerning the establishment or modification of provisions dealing with payments made to "underlying carriers" for "subhauling".

Public hearings were held before Examiner Bryant at San Francisco and Los Angeles. The matter is ready for decision.

Testimony was offered by three members of the Commission's staff and by a number of highway carrier representatives. The evidence was directed generally to the questions whether subhaulers are or should be deemed to be highway carriers; and whether minimum rates have been or should be established for subhauling.<sup>1</sup>

The record shows that there are many kinds of subhauling. Some operators are exclusively subhaulers; thousands of others perform subhauling occasionally or with parts of their fleets. Subhaulers may be owner-drivers, or may be large fleet owners. Subhauling may involve a complete transportation service, or may cover any portion of the service. All of the witnesses were in agreement that subhauling provides a method whereby available vehicles and drivers may be utilized to advantage where needed. It was shown that the practice was well established prior to enactment of the Highway Carriers' Act and the City Carriers' Act in 1935, and that it has not since diminished in importance. One of the Commission witnesses testified that more than 3,000 of the 15,000 California highway carriers have reported revenue from subhauling. He estimated that the total subhauling income for 1947 amounted to \$25,500,000, or about 12 per cent of the total income received by all types of highway carriers.

The chief of the Commission's division of permits and fees discussed procedures and problems in the regulation of subhaulers. He said that the Commission's staff has looked upon subhaulers as "carriers", subject like other carriers to the statutory provisions

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The instant phase of this proceeding was instituted (1) upon the Commission's own motion for the purpose of clarifying the status of subhaulers, and (2) upon petition filed by Truckmen's Center, et al., a group of subhaulers seeking the establishment of minimum rates, rules and regulations for their services. Subhaulers will be further defined hereinafter. Broadly speaking, subhaulers are those who transport property by motor vehicle on behalf of "overlying" or "prime" carriers. The latter generally make the necessary arrangements with and collect transportation charges from the original shippers. The subhaulers receive their compensation direct from the prime carriers.

relating to operating permits, gross revenue fees, and insurance covering public liability and property damage. He explained that operators acting exclusively as subhaulers usually hold permits as radial highway common carriers or city carriers, and do not have certificates of public convenience and necessity. Broadly speaking, he believed the subhaulers to be less stable financially than the prime carriers. For administrative reasons, he said, the prime carriers have been required since January 1, 1943, to carry statutory insurance on vehicles operated by their subhaulers. Similarly the prime carriers have been required since January 1, 1945, to withhold from amounts paid to subhaulers the gross revenue fee required to be paid under the Transportation Rate Fund Act and to include such withholdings in reports to the Commission. These two procedures, the witness pointed out, tended to place responsibility upon the prime carrier rather than upon the subhauler.

This witness recommended that hereafter the statutes be so construed, and the administrative procedures so modified, that all carrier obligations would fall upon the prime carrier. He believed that arrangements between prime carriers and subhaulers should be covered by written lease contracts under which control of the equipment would rest with the prime carrier, the vehicle would be operated under permits or certificates of the prime carrier, and the prime carrier would provide the required insurance. He thought that the Commission should prescribe the form of lease in the interest of uniformity, but that the contracting parties should be free to agree upon the amount and manner of compensation, the duration of the lease, and the services to be performed thereunder. Under his proposal the subhauler would be removed from regulation, and would be free from insurance requirements, operating permits, tax reports, prescribed accounting systems, and other burdens of regulated carriers. The

principal carrier could use any available vehicle upon execution of "a simple lease that would require less time to prepare than a freight bill." He believed that adoption of the suggested plan would relieve the Commission of a certain amount of administrative detail, would insure adequate insurance protection to the general public, would facilitate the transportation of property over the public highways, and would place responsibility for the entire operation in the hands of the prime carrier.<sup>2</sup>

A transportation rate expert of the Commission's staff testified that minimum rates have been established by the Commission for transportation of practically all commodities between most points within this state; that he could find nothing in the minimum rate orders excluding their application to subhauling; that different bases of compensation might be proper for subhauling inasmuch as services rendered by subhaulers are not necessarily the same as those performed by prime carriers; that he was not prepared to state the extent to which minimum rates for subhauling should differ from the present minimum rates; that the question should be disposed of in order to stabilize the rate situation; and that interested parties, if they think that the present rates should not apply to subhauling, should introduce evidence supporting their contentions.

A supervising transportation representative of the Commission's field division described difficulties encountered by his department

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This witness excluded from his conclusions dump truck carriers whose status as prime carrier or subhauler may vary from job to job, depending on the nature of the contract and whether the firm for whom they work is or is not licensed by the Commission as a carrier. Both this witness and the rate expert whose testimony is described in the succeeding paragraph excluded local draymen operating under contractual arrangements with common or permitted carriers for the local pickup and delivery of line-haul shipments.

in the regulation of subhaulers. He said that subhaulers frequently depend upon prime carriers for maintenance of all records, so that calls must be made at multiple locations to examine the records of a single operator; that permit requirements are sometimes difficult to enforce for the reasons that many subhaulers remain in business briefly or establish no permanent address; that subhaulers sometimes complain to his division of inability to collect compensation due from prime carriers; and that shippers complain of difficulty in fixing responsibility between prime carrier and subhauler for shipments lost or damaged. This witness gave examples of amounts being paid to subhaulers by overlying carriers for the movement of various commodities and for the performance of various transportation services. Considering the substantial differences in compensation, he was of the opinion that "the compensation to any and all carriers should be sufficient for him to remain in business," and "perhaps something should be done." He did not undertake to suggest specific solutions to existing problems. Questioned regarding suggestions made by the chief of the division of permits and fees, as hereinbefore described, this witness expressed doubt that good would result from substitution for present subhauling practices of leases to be executed without advance notice to the Commission and without prescribed bases of compensation to the lessor.

An officer of Southern California Freight Lines stated that prior to the recent war his company, as a highway common carrier, was precluded from using vehicles and drivers on a subhauling basis, but was required to have all drivers on its payroll. In recent years, under authority of a wartime resolution which is still effective,

his company has used subhaulers extensively.<sup>3</sup> He was strongly of the opinion that highway common carriers should continue to be accorded the same opportunities for use of subhaulers as are accorded to permitted carriers. He recommended that the Commission prescribe agreements for use between prime carriers and subhaulers, such agreements to specify that the prime carrier will be responsible for public liability, property damage, and for loss or damage to the property transported. It was his opinion that the Commission is without authority to prescribe the bases of payments to subhaulers, and that if it has the authority it should not exercise it. He believed that the form and amount of payment "is something that has no effect upon the public, and is purely a matter of private contract and should not be interfered with."

A number of subhaulers described their own experiences in some detail, relating payments received on particular hauls, variations in compensation for similar services, instances of assortedly unfair practices by prime carriers, and misunderstandings and disagreements between prime carriers and subhaulers. These witnesses urged that the Commission establish regulations governing payments by prime carriers to subhaulers, fixing minimum compensations and maximum credit periods. Some of the witnesses suggested specific percentages of the minimum rates or of the prime carriers' charges which they would consider fair as bases of compensation to subhaulers. Their testimony concerned particularly general freight and agricultural products, and did not embrace such commodities as household goods or materials moved in dump trucks.

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<sup>3</sup> General Order No. 93-A requires that highway common carriers shall either own their motor vehicles or lease them on a basis not to include the services of a driver. Emergency Order No. EM-T 16 authorizes highway common carriers, radial highway common carriers, highway contract carriers, and city carriers, to acquire motor vehicle equipment from other carriers or persons under less restrictive conditions than specified in General Order No. 93-A. The emergency order was issued on February 2, 1943, for application during the national emergency and until further order of the Commission.

The secretary-manager of the California Dump Truck Owners Association requested that dump trucks be exempted from any order which may issue in this proceeding. He pointed out that the Commission has heretofore ordered, for certain transportation by dump truck within southern California, that prime carriers pay to subhaulers, and subhaulers collect from prime carriers, not less than 95 per cent of the minimum rate<sup>4</sup>. He declared that this provision has worked generally to the satisfaction and benefit of both carriers and shippers, and urged that it not be disturbed.

The managing director of the Truck Owners Association of California participated in examination of the witnesses and testified concerning the position of his association in this proceeding. He stated that the association recommended broad legislative and administrative changes in another proceeding (Case No. 4823), and that "the problem of a subhauler is an inseparable part of the problem which confronts the industry generally." He urged that the Commission withhold any order fixing the basis of settlement between the prime carrier and subhauler "until such time as a final order may be ready to be issued in Case No. 4823."

Other carrier associations entered appearances, but did not otherwise participate in development of the record.

#### Conclusions

There are three applicable statutes in California regulating the operations of motor carriers over the public highways for compensation; the Public Utilities Act, under Section 2 3/4, defines a

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<sup>4</sup> Decision No. 40724 dated September 16, 1947, in Cases Nos. 4246 and 4434.

highway common carrier<sup>5</sup>, and under Section 50.3/4, requires a certificate for any carrier falling within the definition. The City Carriers' Act defines the term "carrier" to mean every corporation or person "engaged in the transportation of property for compensation or hire as a business over any public highway in any city or city and county in this state by means of a motor vehicle or vehicles."<sup>6</sup> Similarly, the term highway carrier, as defined in the Highway Carriers' Act, means every corporation or person "engaged in the transportation of property for compensation or hire as a business over any public highway in this state by means of a motor vehicle or motor vehicles."<sup>7</sup> Specifically, the Highway Carriers' Act regulates two types of highway carriers, (1) a radial highway common carrier, which term means "every highway carrier operating as a common carrier not heretofore subject to regulation as such by the Railroad Commission under the Public Utilities Act . . ."<sup>8</sup>, and a highway contract carrier, which term means "every highway carrier other than a highway common carrier . . . and a radial highway common carrier".<sup>9</sup>

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5 Sec. 2 3/4 (a) The term "highway common carrier" when used in this act means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any auto truck, or other self-propelled vehicle not operated upon rails, used in the business of transportation of property as a common carrier for compensation over any public highway in this State between fixed termini or over a regular route, and not operating exclusively within the limits of an incorporated city or town, or city and county, except that passenger stage corporations, as defined in Section 2 1/2 of this act, transporting baggage and express upon passenger vehicles incidental to the transportation of passengers shall not be highway common carriers as herein defined, and except that any such corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever shall not be a highway common carrier as herein defined in operating within lawfully established pickup and delivery limits of a common carrier in the performance for such carrier of transfer, pickup or delivery services provided for in the lawfully published tariffs of such carrier insofar as such pickup and delivery limits do not include territory in excess of three miles from the corporate limits of any incorporated city or town or three miles from the post office of any unincorporated points. (Amended 1945, ch. 1175)

6 City Carriers' Act, Section 1(f)  
 7 Highway Carriers' Act, Section 1(f)  
 8 Highway Carriers' Act, Section 1(h)  
 9 Highway Carriers' Act, Section 1(i)



It is axiomatic that a for-hire carrier, operating within the State of California, must conduct its operations in conformity with one or more of the foregoing statutes unless exempted by the terms of the statutes themselves, or otherwise. In the conduct of these operations the carrier may operate equipment it owns or equipment it leases; however, in either case, the carrier must have control over the equipment so operated, otherwise the operations are, in fact, not those of the carrier.

The word "control", as used herein, implies that the carrier must have possession of the equipment and must have the authority to supervise its operation. Also, the carrier must assume the responsibility for the equipment so operated, both as it concerns the relations with the public and the relations with the shippers and consignees involved. Likewise, the carrier must have control over the drivers and other persons responsible for the operation of this equipment. This control must be such that the drivers stand in the legal relation to the carrier of master and servant or employer and employee.

As herein considered, a subhauler means any corporation, company, individual, firm, or copartnership which, under a subhauling arrangement with a principal carrier, supplies both the equipment and the drivers. If this subhauling arrangement meets the foregoing tests as to control of the operation by the principal carrier, and as to the master and servant relationship, then the subhauler is, in fact, operating under a principal carrier's authority. Under such conditions the subhauler needs no authority of his own since his operations are deemed to be the operations of the principal. If, however, the so-called subhauling arrangements are not under the control of the principal carrier, as set out by the foregoing tests, then we do not consider the operations to be those of a principal carrier but rather they become the operations of the subhauler. Under such conditions the subhauler himself becomes a carrier and must secure the necessary authority to so operate as prescribed by the aforementioned statutes.

We consider that the operations of a subhauler are under the control of a principal carrier rather than being the operations of an independent contractor when (a) the subhauler receives its transportation assignments and its compensation from a carrier which is subject to the regulation of the Commission; (b) does not receive transportation assignments nor compensation directly from the owner, the consignor, or the consignee of the property transported; (c) does not enter into a contract of carriage, written, or oral, expressed or implied, with the owner, consignor, or consignee of the property transported; and (d) acts, in the transportation of property, as employee or servant of a carrier which is subject to the regulation of this Commission, and exercises no independent or joint control over the equipment operated or the drivers or other persons operating such equipment.

When all of the foregoing conditions and circumstances exist, the reasonable conclusion is that the person involved is not an independent contractor, and is not individually subject to regulation as a carrier under the Public Utilities Act, the Highway Carriers' Act, or the City Carriers' Act.

From the conclusion that subhaulers operating under the conditions as set forth in the two immediately preceding paragraphs are not subject to regulation as carriers, it follows that where operations are conducted under such specific conditions such subhaulers are not required to obtain certificates or permits from this Commission, to pay fees under the Transportation Rate Fund Act, to maintain records and accounts as prescribed for carriers, to observe transportation rates, rules or regulations, nor to issue shipping documents. In short, all of the carrier obligations fall upon the principal carriers, and not upon these subhaulers while such conditions obtain.

A number of witnesses stated or conceded that their testimony was not intended to relate to dump-truck transportation, to the movement of used household goods, nor to services performed by local draymen operating under contractual arrangements with common or permitted carriers for the local pickup and delivery of line-haul shipments. These voluntary limitations bear no apparent relationship to the statutory definitions which have been construed. That is to say, no basis appears for deciding the status of an operator as employee or independent contractor by reference to the type of vehicle employed, the commodity transported, or the geographical scope of his operations.

The proposal that prime carriers be required to cover their arrangements with subhaulers by specified written lease contracts cannot be disposed of finally on the present record. Certain conditions to be observed in the acquisition of motor vehicle equipment by carriers are specified in the Commission's Emergency Order No. EM-T 16. The present record relates only incidentally to the desirability of establishing lease forms, and affords no satisfactory basis for determining what lease conditions, if any, should be specifically prescribed. It may well be that conditions under which carriers may arrange for transportation services by subhaulers, employees or as independent contractors, should be clarified; however, the conditions cannot be prescribed properly without adequate evidence. Further hearings, as required, may be scheduled for the purpose of receiving evidence on this subject.

As hereinbefore indicated, the subhauler is subject to the Commission's jurisdiction and regulation when his operations are not under the control of a principal carrier as determined by the foregoing tests. There remains for consideration, then, the question as

to what extent such subhaulers are subject to rates established under the City Carriers' Act and the Highway Carriers' Act. Sections 9 and 10 of the two acts, respectively, provide for the prescription of maximum or minimum rates for "any carrier", as defined in the City Carriers' Act, and "any highway carrier" as defined in the Highway Carriers' Act; and make it unlawful for such carriers to charge or collect "any lesser rate than the minimum rate or greater rate than the maximum rate" so established. Minimum rates have been established by the Commission for transportation of most commodities throughout the state.<sup>10</sup> The rate witness testified that he could find nothing in the orders or tariffs exempting subhaulers from application of the minimum rates. Nevertheless, it is a matter of common knowledge, and is within the official knowledge of the Commission, that the minimum rates heretofore established were based upon the complete transportation services as performed by prime carriers, and not upon the various lesser services as rendered by subhaulers. There is no contention on the instant record that these minimum rates would be reasonable or appropriate for general application to the subhauling services. That the minimum rates have not been construed to apply to subhaulers is evidenced by the Commission's formal action in establishing a different and lower basis of rates for certain subhauling performed with dump vehicles.<sup>11</sup> The record shows that prime carriers and subhaulers have generally assumed that, except as specifically prescribed for dump trucks, subhaulers are not subject to the minimum rates and are not required to observe the established units of measurement, to issue shipping documents, nor to comply otherwise with the minimum rate orders. Some basis for this assumption, albeit

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<sup>10</sup> Maximum rates have not been established.

<sup>11</sup> Decision No. 40724, supra.

a technical one, is found in the tariffs themselves. Since it may be contended that observance of the minimum rates by subhaulers who are independent contractors is required by present wording of certain Commission decisions, these decisions will be clarified to show that, except as specifically prescribed for certain dump trucks, such subhauling services are not governed by the existing minimum rates.

There remains the question, if existing minimum rates are inappropriate for subhauling services performed by independent contractors, whether the establishment of more appropriate rates, rules, and regulations for those subhaulers should be undertaken. There is some testimony that the public interest, as well as the interest of such subhaulers, would be served by such minimum rates. It was stated in effect that compensatory rates would serve to strengthen a weak but necessary link in the transportation chain. It was asserted that in the one instance where subhauling rates have been fixed the results have been beneficial. On the other hand, there was considerable testimony that minimum rates for subhauling would tend to interfere with the free flow of commerce, would not be in the public interest, and could in any case be circumvented readily through vehicle leases. In any event, as hereinbefore stated, there is no sound factual basis for the fixation of subhauling rates for independent contractors on the evidence now available. Whether the establishment of such rates is necessary or desirable, or would be in the public interest consistent with the purposes of the Public Utilities Act, the Highway Carriers' Act, and the City Carriers' Act, cannot properly be decided upon the basis of the present record.

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Most of the tariffs provide in connection with their territorial application that the rates apply for transportation of "shipments" between specified points. The term "shipment" is defined in part as "a quantity of freight tendered by one shipper... for one consignee." Since subhaulers serve prime carriers, rather than shippers or consignees, it may be reasoned that they do not transport "shipments" within the meaning of the minimum-rate tariffs.

O R D E R

Based upon the evidence of record and upon the conclusions and findings set forth in the preceding opinion,

IT IS HEREBY ORDERED that the petition filed in this proceeding on March 24, 1948, by Truckmen's Center et al., be and it is hereby dismissed.

IT IS HEREBY FURTHER ORDERED that, until further order of the Commission, the minimum rates, rules, and regulations, including shipping-document requirements, established for the transportation of property by highway common carriers, radial highway common carriers, highway contract carriers, or city carriers, shall not apply to transportation performed by subhaulers who are acting as independent contractors, except as otherwise specifically provided by Decision No. 40724, supra, as amended.

Nothing herein shall be construed to exempt the highway carrier for whom the independent contractor is performing transportation service from the minimum rates, rules, and regulations prescribed by the Commission.

IT IS HEREBY FURTHER ORDERED that this proceeding be set for further hearing for the purpose of establishing such rates, rules, and regulations as may be found necessary in the regulation of subhauling.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 22<sup>nd</sup> day of March, 1949.

R. B. Johnson  
Justice J. Gallivan  
Grant F. Hall  
Samuel T. Lott  
Harriet P. Hill

APPENDIX "A"

PHYLLIS DOMICH, for Edgar Transport Service  
 GEORGE W. HIRNI, for E. J. Willig Truck Transportation Co.  
 FRANK F. TERRAMORSE, for Kentner Truck Line  
 C. W. BATES, for Bates Trucking  
 NORMAN WOLF, in propria persona  
 ELWOOD G. HULL, for California Freight Service, Inc.  
 M. G. HITCHCOCK, for Hitchcock Transportation Company  
 C. C. LOCKETT, for Lockett Van & Storage  
 JOSEPH J. DIVINY, for Highway Drivers Council of California  
 I. E. FACEMIRE, in propria persona  
 MARQUAM C. GEORGE, for Dump Truck Operators Association  
 of Northern California  
 GLEN HOLTWICK, for Bigge Drayage Company  
 CHARLES C. MILLER, for Monterey Bay Draymen's Association  
 LARRY M. FITES and WILLARD S. JOHNSON, for Truck Owners  
 Association of California  
 REGINALD L. VAUGHAN and JOHN G. LYONS, for Warehousemen's  
 Association of the Port of San Francisco  
 S. D. ACKERMANN, for Garden City Transportation Company  
 RUSSELL BEVANS, for Draymen's Association of San Francisco,  
 Inc., and San Francisco Movers, Inc.  
 F. E. CAREY, for Carey Truck Line  
 JACKSON W. KENDALL, for Bekins Van Lines, Inc.  
 TOM MEYER, for Morris Draying Company  
 H. P. MOORE, for Morris Draying Company  
 EDWARD STERN, for Railway Express Agency, Inc.  
 GORDON & KNAPP by WYMAN C. KNAPP, for Pacific Freight Lines  
 and Pacific Freight Lines Express  
 GUY WARREN, for Warren Transportation Company  
 DOUGLAS BROOKMAN, for California Motor Transport Company,  
 Ltd., and Merchants Express Corporation  
 WILLIAM M. CASSELMAN, for Colgate Palm Olive Peet Company  
 J. H. ANDERSON, for The River Lines  
 H. A. LINCOLN and J. E. COLLEN, for Fibreboard Products  
 Company, Inc.  
 AARON H. GLICKMAN, for Security Truck Line  
 WILLIAM MEINHOLD, for Pacific Motor Trucking Company and  
 Southern Pacific Company  
 MORTON G. SMITH, for Southern Pacific Company  
 JAMES LANE, for J. Lane Trucking  
 LESTER SILVEY, in propria persona  
 C. B. SWENDEMAN, for United Truckmen, Inc.  
 MANUAL GUARDANAPE, for Sub Hauler  
 ARTHUR A. AMARAC, for Sub Hauler  
 ISAAC ESHOO, for Eshoo Trucking Service  
 ARLO D. POE, for Motor Truck Association of California  
 H. J. BISCHOFF, for Southern California Freight Lines, et al.  
 W. G. O'BARR, for Los Angeles Chamber of Commerce  
 E. O. BLACKMAN, for California Dump Truck Owners' Assoc.  
 GEORGE M. WICKE, for Committee of Subhaulers  
 BECKY SCHNITZER, for Ray Carter Trucking  
 E. M. CROSS, in propria persona  
 CHARLES O. CROSS, for Joint Council of Teamsters  
 EDWARD J. BURGER, for Bahler Transportation, Inc.  
 JOE ARAIZA, for Santa Fe Transportation Company  
 LLOYD R. GUERRA, for Western Truck Lines, Ltd.

APPENDIX "A" (Cont.)

FRANCIS X. SHELDON, JR., for Underlying Carriers  
GEORGE A. BECKELL, in propria persona  
ARMON C. PLUMMER, for Foster Trucking Company  
L. E. MUIR, for Bartlett Trucking Company  
ERNEST ADAMSON, for Ernest Adamson Trucking Company  
C. R. HART, for Chas. R. Hart Transportation Company  
GEORGE WOLFE, in propria persona  
DONALD MUNNEY, in propria persona  
RICHARD BARNEST, in propria persona  
J. A. EINECKE, for Associated Veterans' Trucking Company  
E. W. KERTTU and WYMAN C. KNAPP, for California Moving &  
Storage Association  
FREDERICK B. CHAFFEY, for subhaulers  
HAL CHASE, for subhaulers  
H. L. WOLENA, for Western Line Drivers' Council, Teamsters  
Union, A.F.L.  
JOHN C. STEWART, for Western Line Drivers' Teamsters Union,  
A.F.L.  
W. W. HAWS, for Imperial Truck Line  
E. B. WHITE, for California Freight Service, Inc.  
SAM CUSINOW, for Sam Cusinow & Morris Goldfarb, G & G  
Trucking Company  
STANLEY VOGT, for Railway Express Agency  
L. C. FAUS, in propria persona  
JOHN C. STEVENSON, for Western Line Drivers' Teamsters  
Union, A.F.L.  
J. J. DEUEL and EDSON ABEL, for California Farm Bureau  
Federation  
W. E. MORINAN, in propria persona  
S. A. MOORE, for Permanente Cement Company