

Decision No. 51912**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
BLANCHARD TRUCKING SERVICE, INC., for a  
Highway Contract Carrier Permit to trans-  
port lumber, hay, sand and gravel in  
Northern California, File No. T-48,683,  
Appl. No. 23-1258.

Application No. 37121

In the Matter of the Application of  
ELMER A. PADULA, dba Padula Transportation,  
for a Radial Highway Common Carrier Permit  
for the transportation of Lumber, Fresh  
Fruits, Cement in Bulk or in Packages, and  
General Commodities in the State of  
California (Appl. No. 23-1264, File No.  
T-56,854).

Application No. 37162

Frederick E. Rettig, for applicants.  
Daniel W. Baker, in propria persona,  
interested party.  
Mary Moran Pajalich, for the Commission  
staff.

O P I N I O N

Application No. 37162 of Elmer A. Padula, requesting a radial highway common carrier permit, was filed July 21, 1955. Application No. 37121 of Blanchard Trucking Service, Inc., requesting highway contract carrier permit, was filed June 15, 1955.

Public hearing was held in San Francisco before Examiner Rowe on August 5, 1955. Evidence was adduced as to applicants' experience and financial responsibility. During the hearing applicant Blanchard Trucking Service, Inc., requested dismissal of Application No. 37121. Both matters were, on said date, duly submitted for decision.

Public hearing was held on these applications because Mr. Padula in Case No. 5597 had on June 28, 1955, by Decision No. 51623 been ordered to cease and desist from using Blanchard Trucking Service, Inc., an alter ego, as a means of obtaining transportation of his own property at less than the minimum rates established by the Commission. He testified that he understands that he personally may not legally employ other carriers as subhaulers to carry his own freight at less than such minimums. His present application was filed for the sole purpose of serving others and not to procure a rate advantage which he stated he would not seek to obtain.

Applicant Padula has filed evidence of the required insurance and has submitted evidence of satisfactory financial responsibility and experience. One new truck and one trailer have been acquired. The Commission finds that applicant Padula's financial responsibility is sufficient for the purpose of inaugurating the proposed operations and that the requested radial highway common carrier permit should be issued. The effective date of the following order will be five days after date for the reason that otherwise the equipment acquired will remain idle. As requested by applicant Blanchard Trucking Service, Inc., Application No. 37121 will be ordered dismissed.

O R D E R

Applications Nos. 37162 and 37121 having been filed, public hearings having been held and the Commission being advised in the premises,

IT IS ORDERED:

- (1) That Application No. 37121 be, and it hereby is, dismissed without prejudice.

(2) That the Permits and Fees Section be, and it hereby is, directed to issue the permit as applied for by Elmer A. Padula.

The effective date of this order shall be five days after the date hereof.

Dated at San Francisco, California, this 30th day of August, 1955.

W. L. Mitchell  
President  
Justus J. Quisenberry  
Matthew J. Dooly  
R. H. Fritz

Commissioners

Commissioner Ray E. Untereiner, being necessarily absent, did not participate in the disposition of this proceeding.