

**ORIGINAL**Decision No. 67197

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of FLATHMANN TRUCKING, INC., a )  
corporation, of Union City, Cal- )  
ifornia, for a permit to operate ) Application No. 46136  
as a cement contract carrier )  
(Application No. 19887-CC), Bay )  
Area et al. (File No. T-69,221). )

Dooley & Dooley, by David Dooley, for  
applicant.  
Berol, Loughran & Geernaert, by Marshall  
Berol, for Miles and Sons Trucking  
Service, protestant.

O P I N I O N

Flathmann Trucking, Inc., requests a permit to operate as  
a cement contract carrier in the counties of Alameda and Contra  
Costa.

A public hearing was held before Examiner Daly on April 9,  
1964 and the matter was submitted.

Applicant first requested its permit pursuant to  
Section 3623 of the Public Utilities Code, which provides that  
permits should be granted to existing cement contract carriers if  
they had operated continuously for more than one year prior to  
June 1, 1963, and if applications were filed prior to December 31,  
1963. Applicant presented its application on the morning of  
December 31, 1963 and it was not accepted. The instant application  
was filed January 13, 1964 and requested authority to operate in  
the counties of Alameda, Contra Costa, Monterey, San Mateo, Santa  
Clara and Solano. In view of the fact that applicant has operated  
as a prime carrier in the counties of Alameda and Contra Costa and  
as a subhauler in the other counties, the application was amended to

exclude the other counties from present consideration. As a result of the amendment the protest of Miles and Sons Trucking Service was withdrawn. Applicant indicated that the counties of Monterey, San Mateo, Santa Clara and Solano may be the subject of another application to be filed in the future.

Applicant, and its predecessor, Clarence B. Flathmann, an individual, has been doing business as a cement contract carrier since 1946. It owns and operates 11 units of equipment in safe, workable condition and maintains its office and terminal in Union City, Alameda County. As of December 31, 1963, it indicated a net worth in the amount of \$22,059.71.

Applicant has provided service for Calaveras Cement Company, Permanente Cement Company, Pacific Cement & Aggregates, Inc., and Best Block Company.

The president of the Best Block Company appeared as a witness on behalf of applicant and it was disclosed that he is also a stockholder of applicant corporation.

After consideration the Commission finds:

1. Applicant possesses the ability and financial responsibility to provide the proposed operations.
2. The proposed operation will not endanger the safety of the public nor interfere with the public use of the highways or impair the condition or maintenance of them directly or indirectly.
3. The proposed operation will not impair the service of previously certificated cement carriers or permitted cement contract carriers.
4. Applicant is a fit and proper person to receive such permit to operate as a cement contract carrier.

5. Because of the affiliation between applicant and the president of the Best Block Company the permit to be issued will contain an appropriate restriction upon the use of subhaulers.

O R D E R

IT IS ORDERED that the Acting Secretary of the Commission shall issue a cement contract carrier permit to Flathmann Trucking, Inc., containing the following restriction:

"Whenever Flathmann Trucking, Inc. engages any other carrier for the transportation of property of Best Block Company or the customers or suppliers of Best Block Company, Flathmann Trucking, Inc., shall not pay such carrier less than 100% of the minimum rates and charges established by the Commission for the transportation actually performed by such other carrier."

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

Dated at San Francisco, California, this 12<sup>th</sup> day of MAY, 1964.

*William B. ...*  
 President

*...*

*...*

*George J. ...*  
 Commissioners

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.