ORIGINAL

Decision No. <u>67197</u>

NB

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) as a cement contract carrier) (Application No. 19887-CC), Bay) Area ct al. (File No. T-69,221).)

Application No. 46136

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

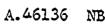
<u>O P I N I O N</u>

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

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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 As a result of the amendment the protest of Miles and Sons Trucking Service was withdrawn.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.

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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.

<u>order</u>

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 Brancisco	, California, this 12th day
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Commissioners

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

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