

ORIGINAL

Decision No. 68481

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CLOVERLEAF TRUCKING, INC., a corpora-)
tion, of San Rafael, for a permit to)
operate as a Cement Contract Carrier)
(Appl. No. 21-864-CC), Alameda,)
Calaveras, et al, Counties, (File)
No. T-78,864).

Application No. 46860
(Filed June 1, 1964)

Vaughan, Paul, Lyons, by John G. Lyons, for applicant.
Raymond A. Greene, Jr., for Universal Transport System, Inc., Rock Transport, Inc.; Berol, Loughran & Geernaert, by Marshall C. Berol, for Miles & Sons Trucking Service; James J. Trabucco, for Southern Pacific Company; Elwyn G. Jones, for Kaiser Cement Gypsum Corp., protestants.
Walter G. Herrigel, for Ideal Cement Co., interested party.
H. L. Farmer & D. J. Harvey, for the Commission staff.

O P I N I O N

Cloverleaf Trucking, Inc., requests a permit to operate as a cement contract carrier between Alameda, Calaveras, Marin, San Benito, San Mateo, Santa Clara, and Santa Cruz Counties.

A public hearing was held before Examiner Daly on November 5, 1964, at San Francisco.

Applicant is a newly formed corporation and an affiliate of Shamrock Materials, Inc., of San Rafael and E. Pozzi Company, a readymix concrete company located in Novato. The officers and shareholders of all three corporations are common to each. Applicant was formed to conduct a contract transportation service for the other two corporations. Applicant has recently acquired, under a lease arrangement, two tractors and trailers, which equipment it in turn has leased to its affiliates pending

the issuance of the contract permit herein considered. The units of equipment are assertedly standard and comply with all weight and safety factors. Said equipment is covered by liability insurance to the extent of \$500,000 per person and \$1,000,000 per accident. Applicant does not propose to handle C.O.D. shipments, but proposes the use of subhaulers when necessary. As of October 31, 1964, applicant indicated a net worth in the amount of \$14,252.25.

According to applicant's president the proposed operations are intended to meet the transportation requirements of Shamrock Materials, Inc., and E. Pozzi, which receive shipments of cement from cement plants located at points within the proposed counties. Although he testified that applicant does not now, nor in the foreseeable future, intend to provide service for any other accounts, applicant opposed the suggestion by protestants that a permit, if issued, be appropriately restricted to service for the affiliate corporations.

After consideration the Commission finds that applicant has failed to justify the granting of the requested permit.

ORDER

IT IS ORDERED that Application No. 46860 is hereby denied.

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

Dated at San Francisco, California, this 12th day of JANUARY, 1964.


I dissent as set forth especially Sullivan & Bennett

Fredrick B. Holcroft

President
George T. Trover

I dissent to the denial of the authority requested herein for those same reasons set forth in Application No. 46118 et al (Kenneth D. Francisco et al). The instant decision is derelict in failing to set forth the reasons for denial and in that respect lacks necessary findings; it gives no hint or suggestion as to the standards the Commission expects of applicant in order to insure issuance of permits; and unfortunately completely ignores the plain intention of the Legislature which intended that additional permits should issue.

This is the third or fourth such application which has been denied but at least such denial has the saving quality of consistency. It becomes increasingly clear as I stated in the Francisco dissenting opinion that permits are not only difficult to obtain but apparently impossible. And so long as the Commission shelters to itself any clarifying reasons for denial it becomes quite easy to turn down one and all since we are operating without any standards. I suggest again that in fairness to applicants who have not yet been heard and in fairness to would-be applicants that we save them the expense of a filing fee by stating quite bluntly that cement carrier permits will not issue from this Commission henceforth. The Commission decisions bespeak such a policy; frankness compels that the policy be enunciated in so many words.


WILLIAM M. BENNETT
Commissioner

San Francisco, California
January 12, 1965