

IM

Decision No. 68830

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
MANUEL SILVEIRA, an individual, of
Castro Valley, for a certificate to
operate as a cement carrier, (Appli-
cation No. T-50,925, CMT-G), Santa
Clara County, (File No. T-50,925).

Application No. 46383

ORDER DENYING REHEARING

Ex parte Resolution No. 13820, Sub. 25, granted a "Cement Contract Carrier Permit" to applicant Manuel Silveira. Applicant had applied for a cement carrier certificate but had amended his application to request a permit only. Miles and Sons Trucking Service, Universal Transport System, Inc., Applegate Drayage Company and Rock Transport, Inc. filed a petition for rehearing. The petitions alleged that the prior operations of applicant during the "grandfather" period were conducted on a subhaul basis only, that such subhaul operation does not and cannot establish the existence of a prior operation as contemplated by the provisions of Sections 3620 through 3625 of the Public Utilities Code, and therefore cannot support the issuance of an unrestricted cement contract carrier permit to applicant.

The Commission in Francisco, et al., Decision No. 68397 in Applications Nos. 46118, 46119, 46120, 46124, 46134, 46196 and 46378 has rejected the contention that subhaul operations do not qualify an applicant for the issuance of a "grandfather" cement carrier certificate. (Mimeograph decision, p. 11) There is no distinction between Section 1063, the cement carrier section, and Section 3620, et seq., cement contract carrier section. The reasoning of Francisco as applied to cement carrier authority in that case is equally applicable to the cement contract authority, there being no difference in the statutes or in the legislative intent. For this reason applicant's authority need not be restricted to subhaul

only and the protest should be rejected. The Commission, having considered each and every allegation of the petition and being of the opinion that no good cause has been shown for granting rehearing,

IT IS ORDERED that rehearing is denied.

Dated at San Francisco, California, this 30th day of MARCH, 1965.

Friedrich B. Halchuff
President
Paul E. Halchuff
George H. Hoover
Augustor
Helen M. Brand
Commissioners