

ORIGINALDecision No. 68831

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of RICHARD A. YARIMIE, an individual, of San Jose, for a certificate to operate as a cement carrier, (Application No. T-75,173, CMT-G), San Mateo County, et al., (File No. T-75,173).

Application No. 46388

ORDER AMENDING RESOLUTION
AND DENYING REHEARING

Ex parte Resolution No. 13820, Sub. No. 29, granted a cement contract carrier permit to applicant. Applicant had applied for a cement carrier certificate but had amended his application to request a permit only. Rock Transport, Inc., Applegate Drayage Company, Miles and Sons Trucking Service and Universal Transport System, Inc. filed a petition for rehearing. The petitioners 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 applicable sections of the Public Utilities Code and therefore cannot support the issuance of a cement contract carrier's permit to applicant. In the amended application, dated December 14, 1964, applicant states that he proposes to act as a subhauler only. The protest therefore serves no purpose and it accordingly should be denied. The permit granted to applicant should be restricted to subhaul operation only in conformity with the amended application.

IT IS ORDERED that Resolution No. 13820, Sub. No. 29, is hereby amended by inserting at line 29 of page 4 of Resolution 13820, the following:

"Independent contractor subhauling operations only to and in the following counties: Contra Costa, San Mateo, Santa Clara and Sonoma."

Rehearing of said Resolution as amended is denied.

Dated at San Francisco, California, this 3rd
day of MARCH, 1965.

Frederic B. Hoff
President
John J. [unclear]
George F. [unclear]
[unclear]
William L. [unclear]
Commissioners