

ORIGINALDecision No. 68977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of JESS ANTHONY BETTENCOURT, an
individual, of Fremont, California,
for a permit to operate as a cement
contract carrier, (Application
No. 1-9892), North of the Tehachapis,
(File No. T-77,667).

Application No. 46147
(Filed January 20, 1964)

Jess Anthony Bettencourt, in propria persona.
Handler & Baker, by Raymond H. Greene, and James
Trabucco, for protestants.
Donald L. Ziegenfuss, for the Commission staff.

O P I N I O N

Applicant seeks a permit as a cement contract carrier. The application requests rights in all of California north of the Tehachapis. Public hearing was held before Examiner Power at San Francisco on September 24, 1964. At the hearing applicant reduced the request to 20 counties in which he claimed to have rendered service. Protestants included four highway carriers and a railroad. All are prime carriers.

Applicant filed this application on January 20, 1964. Had he filed in time (on or before December 30, 1963) and on the correct form he would have obtained "grandfather" rights. His testimony and his application both agree that he commenced operations in April of 1962 and operated continuously thereafter.

Applicant's tractor is fully paid for and is kept in a safe, workable condition. His business headquarters is in the Warm Springs section of Fremont. His application indicates a personal net worth of \$8,845.

After consideration, the Commission finds that:

1. Applicant possesses the ability and financial responsibility to provide the proposed operation.
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.

The Commission concludes that the application should be granted.

ORDER

IT IS ORDERED that the Secretary of the Commission shall issue a cement contract carrier permit to Jess Anthony Bettencourt authorizing operations from any or all points of origin to all points within the Counties of Alameda, Butte, Contra Costa, Fresno, Kern, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Solano, Sonoma, and Tuolumne.

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

Dated at San Francisco, California, this 27th day of APRIL, 1965.

Frederick G. Halali
 President
George T. Hoover
 Attorney

Commissioners


AG

A. 46147, A. 46123, A. 46125 and A. 47002

CONCURRENCE

BENNETT, William M., Commissioner, Concurring Opinion:

I concur in the grant of the requested authority herein. I point out again, however, that the showings here are in no wise materially different from other applications for authority to transport cement which have previously been denied. And based upon the ease with which findings are made herein, I would certainly expect that showings similar to this will result in a granting of the requested authority.


WILLIAM M. BENNETT
Commissioner

San Francisco, California

April 27, 1965