

ORIGINALDecision No. 68978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SPECIALTY MATERIAL CO., INC., a)
 corporation, of El Monte, California,)
 for a permit to operate as a Cement)
 Contract Carrier (Application)
 No. 19-57237-CC), Los Angeles and)
 Orange Counties. (File No. T-74,045))

Application No. 46123
 (Filed December 30, 1963)

Russell T. Futter, for Specialty Material Co., Inc.,
 applicant.

Russell & Schureman, by R. Y. Schureman, for six
 cement carriers 1/; James J. Trabucco, for
 Southern Pacific Company and Pacific Electric
 Railway Co.; O'Melveny and Myers, by Lauren
M. Wright, for American Cement Corporation;
 and George H. Roc, for California Portland
 Cement Co., protestants.

C. R. Boyer and G. B. Shannon, for Southwestern
 Portland Cement Co., interested party.

H. L. Farmer, for the Commission staff.

O P I N I O N

Specialty Material Company, Inc., of El Monte, seeks a
 permit as a cement contract carrier in Los Angeles and Orange
 Counties.

Public hearing was held before Examiner Power at Los
 Angeles on October 19, 1964 and the matter was submitted.

Applicant's president testified for it. Applicant was
 incorporated on July 2, 1962. It has hauled cement sporadically
 since then. Applicant's Articles of Incorporation were filed with
 the Commission in September 1962 under file No. T-74045.

1/ Max Binswanger Trucking, Matlich Transportation Co., Daniel
 Lohnes Trucking Company, Valley Transportation Company,
 Phillips Trucking, and More Truck Lines.

The application and the testimony both speak of applicant as subhauling. This caused confusion. However, it developed that in practice, applicant was collecting the full rate or better and paying the Board of Equalization and the Transportation Rate Fund taxes.

It appears that applicant has made a sufficient showing. Its permit should be restricted, however, to the single county of Los Angeles and to cement in packages.

Applicant owns and operates 9 units of cement carrying equipment ^{2/} in safe workable condition and maintains its headquarters in El Monte. As of November 1963 it indicated a net worth of a minus figure; however, applicant's witness testified that this condition had been much improved. ^{3/}

The testimony of the protestants herein is the same as that offered in Application No. 46125. Our conclusion is the same as reached in that matter. The protestants have failed to show that the issuance of a permit to the applicant will impair the services of other cement carriers operating in the County of Los Angeles.

After consideration the Commission finds:

1. Applicant possesses the ability and financial responsibility to provide the proposed operations.
2. The proposed operations will not endanger the safety of the public or interfere with the public use of the highways or impair the condition or maintenance of them directly or indirectly.
3. The proposed operations will not impair the service of previously certificated cement carriers or permitted cement contract carriers.

^{2/} It owns other equipment in which it hauls sand and gravel.

^{3/} Applicant's business as a whole appears to be in good condition.

4. Applicant is a fit and proper party to receive a permit to operate as a cement contract carrier.

ORDER

IT IS ORDERED that the Secretary of the Commission shall issue a cement contract carrier permit to Specialty Material Company, Inc., a corporation, containing the following restriction:

"This permit authorizes transportation of cement, in packages only, to points in the County of Los Angeles."

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.

Fredrick B. Halbach
President
George T. Brown
Rogator
Commissioners

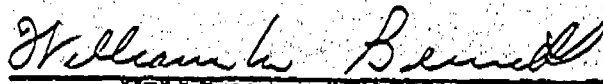
AG

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