

**ORIGINAL**Decision No. 68979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 of THOMAS F. BUONARATI and PAUL )  
 F. MUNSIE dba B & M TRUCKING, of )  
 Sepulveda, California, for a )  
 permit to operate as a Cement )  
 Contract Carrier (Application )  
 No. 19-57239-CC), in Los Angeles )  
 et al. counties (File No. T-77,534). )

Application No. 46125  
 Filed December 30, 1963

Thomas F. Buonarati and Paul F. Munsie, for themselves, applicants.

Russell and Schureman, by R. Y. Schureman, for six cement carriers<sup>1</sup>; James J. Trabucco, for Southern Pacific Company and Pacific Electric Railway Company; O'Melveny and Myers, by Lauren M. Wright, for American Cement Corporation; and George H. Roe, 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

Thomas F. Buonarati and Paul F. Munsie, doing business as B & M Trucking, seek a permit as a cement contract carrier in Los Angeles, Orange, and Ventura Counties.

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

Both partners testified for the application. It appeared that, on or about October 1, 1963, they had purchased two trucks from a shipper, Associated Materials. One of these was a flatbed which Associated had used to haul cement. The other was a dump

<sup>1</sup> Max Binswanger Trucking, Matich Transportation Co., Daniel Lohnes Trucking Company, Valley Transportation Company, Phillips Trucking, and More Truck Lines.

truck which B & M converted to a flatbed. Both trucks were then used by B & M to transport cement for Associated Materials. This cement was always in packages, never in bulk. It was all delivered in Los Angeles County.

Due to the doubts that existed as to B & M's operating authority, the cement carrying equipment was leased to Associated Materials pending decision on this application. On August 1, 1964, the hauling of cement ceased. This seems to have been due to some aspect of Associated Materials' business, perhaps the loss of an account, which B & M did not understand.

Applicants own and operate 4 units of cement carrying equipment<sup>2</sup> in safe workable condition and maintain their headquarters in Sepulveda. As of November 30, 1963 they indicated a net worth of \$54,662.

The transportation manager of the California Portland Cement Company which has mills in the counties of Kern and San Bernardino opposed the application. Similarly, the traffic manager of Riverside Cement Company located in the counties of Riverside and San Bernardino entered a protest. A certificated cement carrier also voiced objection. The counties in which he was certificated were not enumerated.

It is the obligation of the protestants, if such is their desire, to convince the Commission that the issuance of a permit to the applicants will impair the services of other cement carriers operating in the counties of Los Angeles, Ventura and Orange. This, they have failed to do.

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<sup>2</sup> They own other equipment in which they haul sand and gravel.

After consideration the Commission finds:

1. Applicants possess the ability and financial responsibility to provide the proposed operations.
2. The proposed operations 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 operations will not impair the service of previously certificated cement carriers or permitted cement contract carriers.
4. Applicants are fit and proper persons 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 Thomas F. Buonarati and Paul F. Munsie 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 27<sup>th</sup> day of April, 1965.

Frederick B. Holbrook  
President

George T. Trover  
Secretary

Reginald  
Commissioners

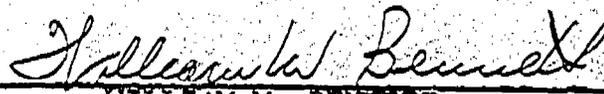
AG

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.

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WILLIAM M. BENNETT  
Commissioner

San Francisco, California

April 27, 1965