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**ORIGINAL**

Decision No. 69450

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application }  
of RICHARD A. YARIMIE, an indi- }  
vidual, 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 PERMIT

Applicant filed a timely application for a "grandfather" certificate to operate as a cement carrier to and within the Counties of Contra Costa, San Mateo, Santa Clara, and Sonoma. By letter received April 14, 1964, applicant requested that his application be changed to one requesting a cement contract carrier permit. The application, as amended by applicant's letter, was granted by ex parte Resolution No. 13820, Sub. No. 29, dated June 23, 1964.

On August 4, 1964, Rock Transport, Inc., Applegate Drayage Co., Miles & 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 and that the cement contract carrier permit granted to applicant should be limited to independent contractor subhaul operations only.

An amendment to the application was filed by applicant on December 14, 1964. The amended application requests authority to operate as an independent contractor subhauler of cement to and within all counties in the state.

Decision No. 68831 dated March 30, 1965, in this proceeding, amended the cement contract carrier permit issued to applicant by Resolution No. 13820 by inserting therein a restriction limiting it to subhaul operations only and denied the petition for rehearing.

By letter dated April 16, 1965, applicant states that it is his intent to operate as a prime carrier within the area covered by his permit and requests that the restriction inserted in the permit be vacated.

In Decision No. 68830, application of Manuel Silvera, the Commission held that an applicant for "grandfather" authority to operate as a prime cement contract carrier may utilize shipments of cement on which he was either a prime carrier or subhauler to establish operations during the "grandfather" period.

IT IS ORDERED that:

1. The cement contract carrier permit issued to Richard A. Yarimie by Resolution No. 13820, Sub. No. 29, dated June 23, 1964, as amended by Decision No. 68831 dated March 30, 1965, in this proceeding, is hereby further amended by deleting therefrom the words "Independent contractor subhaul operations only."

2. This proceeding will remain open to consider the amendment to the application dated December 14, 1964, requesting statewide authority to operate as an independent contractor subhauler of cement.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of July, 1965.

Frederick B. Holshoff  
President  
George T. Hoover

Augusta  
Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.