

ORIGINALDecision No. 69545

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of
 FRANK R. RAMOS and BARTON F. RAMOS,
 dba RAMOS & SON, of Turlock, California,
 for a permit to operate as a cement con-
 tract carrier, (Application No. 50-4652-CC),
 Santa Cruz, San Andreas, et al., (File
 No. T-68,632).

Application No. 46163
 (Filed January 15, 1964)

Frank R. Ramos and Barton F. Ramos, in propriae personae.
Marshall G. Berol, for Miles & Sons Trucking Service,
 Matheny Trucking, and Hudson Trucking, protestants.
Donald J. Harvey, for the Commission staff.

O P I N I O N

Frank R. Ramos and Barton F. Ramos, doing business as Ramos & Son, request a cement contract carrier permit authorizing operations to all points and places within the County of Stanislaus.

A public hearing was held before Examiner Daly on June 30, 1965, at Modesto and the matter was submitted upon the receipt of late filed Exhibit No. 2, which has been since filed and considered.

Applicants' main place of business is located in Turlock. ✓
 They own and operate one tractor and two flat-bed trucks. As of December 31, 1963 they indicated a net worth in the amount of \$10,900.

Applicants are primarily engaged in the transportation of ✓
 hay, but incidental thereto they have been engaged in the transportation of cement in bags for two lumber companies located in the Modesto area. Recently their cement transportation has been confined to one lumber company.

According to applicant Frank R. Ramos, he and his son are entitled to a grandfather permit inasmuch as their operations came within the scope of recent legislation granting such authority. He testified that during December 1963, he mailed to the Commission a check in the amount of \$150 covering the filing fee and a request that he be sent an application form. The check was dated December 23, 1963, and was deposited by the Commission on December 27, 1963. After the shut-off date of December 30, 1963, the Commission on January 3, 1964, acknowledged receipt of the remittance and forwarded an application form.

Late filed Exhibit No. 2 consists of supporting documents covering cement transportation within Stanislaus County during the grandfather period.

Protestants contend that the instant proceeding should not be considered as a grandfather application because it was not filed before December 30, 1963. They argue that if treated as a new application the record does not justify the granting of the requested permit because its issuance would divert traffic from the existing cement carriers and thus have an adverse effect upon their operations.

After consideration the Commission finds that applicants transported cement in bags to points in Stanislaus County prior to June 1, 1963, and thereafter; applicants in good faith on December 23, 1963, sent to the Commission a filing fee of \$150 and requested an application form for a grandfather permit; the Commission accepted the filing fee and cashed the check on December 27, 1963, but did not mail the requested application form until January 3, 1964.

The Commission further finds that:

1. Applicants possess the ability and reasonable financial responsibility to initiate the proposed operation.

2. The privilege sought will not endanger the safety of the public or interfere with the public use of the public 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. Applicants are fit and proper persons to receive such permit to operate as a cement contract carrier.

O R D E R

IT IS ORDERED that the Secretary of the Commission issue a cement contract carrier permit to Frank R. Ramos and Barton F. Ramos authorizing the transportation of cement in bags from any and all points of origin to all points within the County of Stanislaus.

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

Dated at San Francisco, California, this 17th day of AUGUST, 1965.

Fredrick B. Halbluff
President

George L. Grover

William A. Bennett
Commissioners