

Decision No. 69546

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Larry A. Poffenroth, an)
individual, doing business as)
L.A.P. TRANSPORTATION, of Fremont,)
for a certificate to operate as a)
cement carrier (Application)
No. T-74, 998, CMT-G), Santa Clara)
County, et al. (File No. T-74,998).)

Application No. 46486

ORDER DISMISSING REHEARING
AND GRANTING PERMIT

The above application for a "grandfather" certificate to operate as a cement carrier in certain counties was dismissed by ex parte Resolution No. 13841, Sub. No. 4, dated June 30, 1964. The documents attached to the application to establish proof of operations during the "grandfather" period were incomplete and not acceptable.

A petition for rehearing was filed by applicant on August 3, 1964. Attached to the petition were copies of shipping documents covering transportation of cement to Alameda County during the "grandfather" period. The petition for rehearing was granted by Commission order dated September 15, 1964. A protest to the petition was filed by Rock Transport, Inc., and Universal Transport System, Inc., on February 11, 1964.

By letter dated March 29, 1965, applicant requests that his application be changed to one requesting a cement contract carrier permit from any and all points of origin to all points within Alameda County. By letter dated July 21, 1965, the protesting carriers, through their attorney, have withdrawn their protest.

Based upon the additional information included in applicant's petition for rehearing and his letter of March 29, 1964, we

find that applicant has satisfied the statutory requirements for a "grandfather" cement contract carrier permit for Alameda County and conclude that the permit should be granted.

Therefore, good cause appearing,

IT IS ORDERED that:

1. The dismissal of Application No. 46486 by Sub. No. 4 of ex parte Resolution No. 13841, dated June 30, 1964, is set aside.

2. Applicant is granted a cement contract carrier permit to operate as a cement contract carrier from any and all points of origin to any and all points of destination within Alameda County.

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

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

Fredrick B. Holcomb
President

D. C. Ditchell

George E. Grover

Augusta

D. Clemons
Commissioners