

**ORIGINAL**Decision No. 69943

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 OWEN L. STIDHAM dba LARRY STIDHAM )  
 TRUCKING, of Yreka, California, for )  
 a permit to operate as a cement )  
 contract carrier (Application )  
 No. 47-115-CC), Siskiyou, et al., )  
 Counties (File No. T-76,313). )

Application No. 46187  
 Filed January 31, 1964

Kenneth V. Johnson, for applicant.  
Thomas P. Kelly, Jr., for Southern Pacific  
 Company; Marshall Berol, for Rock Trans-  
 port Inc.; Hawkey Transportation; Winkler  
Bros. Transportation and Merle Webber  
Transportation, Inc., protestants.  
Donald J. Harvey, for the Commission staff.

O P I N I O N

Owen L. Stidham, doing business as Larry Stidham Trucking, requests a permit to operate as a cement contract carrier in Siskiyou, Shasta, Butte, and Modoc Counties.

A public hearing was held before Examiner Daly on September 15, 1965, at Yreka and the matter was submitted.

Applicant presently operates as a permit carrier. His place of business is located in Yreka. He owns and operates one tractor and two trailers, including a van and a flat rack. As of June 30, 1965, applicant indicated a net worth in the amount of \$30,445.03.

For many years applicant was employed as a driver for companies operating to and from points in the Yreka area. In August of 1963 he commenced operations as a permitted carrier. He does his own driving and his equipment is kept in safe operating order by a regular inspection and maintenance program.

Applicant proposes to transport cement in bulk and in sacks. If the requested authority is granted additional equipment will be provided as needed. Letters were introduced in evidence from the Yreka Transit-Mixed Concrete Co., and the Sis-Q Redi-Mix located in Yreka. Both letters indicate an intention to enter into contractual agreements with applicant for the transportation of cement if the permit is issued.

At the present time applicant is engaged in the transportation of grain and fertilizer. It is contended that there would not be any impairment of the highways if the application were granted because the cement transportation would be a backhaul operation primarily from the Calaveras Cement Company located at Gray Rocks, Shasta County. The only difference would be that the equipment would operate full instead of empty.

The protestants introduced evidence relating to their equipment and the scope of their operations within the proposed counties.

Each testified that at present cement is being transported in bulk by means of gravity type and pneumatic type hopper equipment, which is very expensive. According to the protestants they frequently have occasions when such equipment is idle. They contend that if the authority herein sought is granted a diversion of traffic will result and thus have an adverse effect upon their respective operations. However, the record fails to indicate that they are serving the Yreka Transit-Mixed Concrete Co. or Sis-Q Redi-Mix. It also fails to indicate that they have made any attempt to actually solicit these accounts.

After consideration the Commission finds that:

1. Applicant possesses the ability and reasonable financial responsibility to initiate the operations as a cement contract carrier herein authorized.

2. The privilege herein granted will not endanger the safety of the public, nor interfere with the public use of the public highways, nor impair the condition or maintenance of said public highways, directly or indirectly.

3. The privilege herein granted will not impair the service of previously certificated cement carriers or permitted cement contract carriers.

4. Applicant is a fit and proper person to receive a permit to operate as a cement contract carrier upon the terms and conditions set forth in the following order.

Based upon the evidence presented and the foregoing findings of fact, the Commission concludes that:

1. Applicant should be granted a permit to operate as a cement contract carrier.

2. Applicant's permit should be restricted to service for Sis-Q Redi-Mix and Yreka Transit-Mixed Concrete Co., between the Calaveras Cement Company at Gray Rocks, Shasta County, on the one hand, and all points and places within a 50-mile radius of Yreka, on the other hand.

#### O R D E R

IT IS ORDERED that the Secretary of the Commission shall issue a cement contract carrier permit to Owen L. Stidham, dba Larry Stidham Trucking, authorizing the transportation of cement between the Calaveras Cement Company at Gray Rocks, Shasta County, on the one hand, and all points and places within a fifty-mile radius of Yreka, on the other hand, for the following shippers only: Yreka

Transit-Mixed Concrete Co. and Sis-Q Redi-Mix, located in Yreka, California.

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

Dated at San Francisco, California, this 9th day of NOVEMBER, 1965.

*Frank E. V. [unclear]* President  
*Augusta [unclear]*  
*William L. Brown* Commissioners

*We dissent.*

*Frederick B. Holboff*  
*George L. Grover*