

ORIGINALDecision No. 69963

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of RICHARDS TRUCKING, a corpora-)
tion, of Mountain View, for a)
certificate to operate as a)
cement carrier (Application No.)
T-71,548, CMT-G), Alameda County,)
et al. (File No. T-71,548).)

Application No. 46380

Stuart R. Dole, for applicant.
Marshall Berol, for Universal Transport
System, Inc.; Miles & Sons Trucking
Service, and Rock Transport, Inc.,
protestants.
E. G. Jones, for Kaiser Cement, interested
party.
Donald J. Harvey, for the Commission staff.

O P I N I O N

By ex parte Resolution No. 13823, Sub. No. 15, dated June 23, 1964, this Commission granted to Richards Trucking a cement carrier certificate to operate in 33 counties. On October 27, 1964, the Commission issued an order granting rehearing of the application pursuant to filed protests by certain carriers wherein they alleged that applicant had not conducted cement carrier operations in good faith during the "grandfather" period.

A public hearing was held before Examiner Daly on October 6, 1965, at San Francisco, and the matter was submitted.

According to protestants, applicant was owned and controlled by another applicant for "grandfather" authority (Readymix Trucking, Application No. 46381). They alleged that applicant has not had and does not own any operating equipment; that the shipments upon which applicant based its "grandfather" rights were in part

performed by Readymix Trucking, utilizing its own drivers and operating equipment; that the only facet of the transportation service actually performed by applicant was the billing for the service rendered; and that such cannot and does not justify a finding that applicant was operating in good faith, either before or after June 1, 1963.

The record discloses that Readymix Trucking is owned and operated by Readymix Concrete Company, Ltd. In 1961 Readymix Concrete Company, Ltd., became interested in expanding its transportation operation in the southern part of the state and after some investigation negotiated the purchase of Richards Trucking, a carrier domiciled at Santa Maria and primarily engaged in its transportation of petroleum products. Upon the acquisition of applicant, Readymix Concrete Company, Ltd., used Readymix Trucking in the northern part of the state and applicant in the southern part of the state, and according to the president of Readymix Concrete Company, Ltd., although the office work was consolidated at the main office in San Francisco, each carrier conducted separate and distinct operations.

In 1962 Richards Trucking commenced transporting cement, sand and gravel. Equipment suitable for the transportation of cement was leased from Readymix Concrete Company, Ltd.; however, the drivers were employed by Richards Trucking.

In February 1964 Mr. Bullock and Mr. Hunter, president and vice president, respectively, of Richards Trucking, acquired by purchase from Readymix Concrete Company, Ltd., all of the outstanding stock of Richards Trucking. All of the operations of applicant herein are presently being conducted out of Santa Maria. In addition to their interest in applicant, Mr. Bullock and Mr. Hunter also have an invested interest in Thermal Operators, Inc.

After consideration the Commission finds that:

1. Applicant was an affiliate of Readymix Concrete Company, Ltd., from 1961 to 1964.
2. During said period applicant conducted operations as a cement carrier separate and distinct from those conducted by Readymix Trucking, which was also an affiliate of Readymix Concrete Company, Ltd.
3. In 1964 Readymix Concrete Company, Ltd., sold all of its stock interest in applicant.
4. Applicant conducted operations as a cement carrier immediately prior to June 1, 1963 and subsequent thereto and is so engaged at the present time. Said operations have been conducted and are presently being conducted in good faith.

Ex parte Resolution No. 13823, Sub. No. 15, dated June 23, 1964, will be affirmed, except that the restriction on the use of subhaulers in the certificate will be amended so as to delete Charles L. Harney, Inc., and to add Thermal Operators, Inc. Such certificate will be restated in appendix form.

O R D E R

IT IS ORDERED that:

1. Ex parte Resolution No. 13823, Sub. No. 15, dated June 23, 1964, is hereby affirmed.
2. The operative right granted by Resolution No. 13823, Sub. No. 15, dated June 23, 1964, in Application No. 46830, is hereby revoked and, in place and stead thereof, a certificate of public convenience and necessity to operate as a cement carrier is hereby

granted to Richards Trucking as more particularly set forth in Appendix A attached hereto.

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

Dated at San Francisco, California, this 16th day of NOVEMBER, 1965.

Frederick B. Hallock
 President

George T. Grover

Augustus

William L. Blundell

Commissioners

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

Richards Trucking, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a cement carrier to and within the Counties of Alameda, Butte, Colusa, Contra Costa, El Dorado, Fresno, Imperial, Kern, Kings, Los Angeles, Marin, Mendocino, Merced, Monterey, Napa, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Tehama, Ventura and Yolo from any and all points of origin, subject to the following restriction:

Whenever Richards Trucking engages other carriers for the transportation of property of Richards Trucking or Thermal Operators, Inc., or customers or suppliers of said corporations, Richards Trucking shall not pay such other carriers rates and charges less than the rates and charges published in the Richards Trucking tariffs on file with this Commission.

End of Appendix A

Issued by California Public Utilities Commission.

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