

**ORIGINAL**Decision No. 70019

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of Frank Addiego, Ben Addiego and  
James Addiego, a partnership, dba  
EL CERRITO BUILDING MATERIALS CO.,  
LTD., of Union City, California,  
for a permit to operate as a  
cement contract carrier (Applica-  
tion No. 1-9917-CC), 150-mile  
radius of Union City (File No.  
T-78,040).

Application No. 46298  
Filed March 11, 1964

Martin J. Rosen, for applicant.  
Walter G. Herrigel, for Ideal Cement, inter-  
ested party.  
Donald J. Harvey, for the Commission staff.

O P I N I O N

By their application as amended, Frank Addiego, Ben Addiego and James Addiego, request a permit to operate as a cement contract carrier from all points of origin within the State of California to all points and places in the Counties of Alameda and Contra Costa.

A public hearing was held before Examiner Daly on November 2, 1965, at San Francisco, and the matter was submitted.

Applicants have conducted business for many years in Union City, Alameda County. In addition to their operations as a permitted carrier they have actively engaged in the cement business through the El Cerrito Building Materials Company doing business as Mobil Mix, a corporation, the stock of which is solely owned by applicants.

Applicants own and operate twenty units of equipment. As of March 31, 1965, they indicated a net worth in the amount of

\$40,130.67. The equipment is subject to periodic maintenance and safety checks. Liability insurance is covered to the extent of \$200,000/500,000 bodily injury and \$100,000 property damage.

According to Mr. Frank Addiego applicants would have qualified for authority under the recent grandfather legislation, but through inadvertence an application had not been filed. He was of the opinion that the proposed service would have no adverse effect upon the public highways or upon the existing carriers.

No appearance was made in protest to the authority sought.

After consideration the Commission finds that:

1. Applicants possess the ability and financial responsibility to initiate the proposed operation.
2. The proposed service 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 service will not impair the service of previously certificated cement carriers or permitted cement carriers.
4. Applicants are fit and proper persons to operate as a cement contract carrier.

O R D E R

IT IS ORDERED that the Secretary of the Commission is hereby authorized to issue a cement contract carrier permit to Frank Addiego, Ben Addiego and James Addiego, authorizing the transportation of Portland or similar cement in bulk or in packages from all points of origin within the State of California to all points

and places within the Counties of Alameda and Contra Costa, subject to the following condition:

"Whenever permittee engages other carriers for the transportation of property of Frank Addiego and/or Ben Addiego and/or James Addiego, or El Cerrito Building Materials Co., Ltd., or El Cerrito Building Materials Company, or Mobil-Mix or customers or suppliers of said individuals, partnership, companies or corporations, permittee shall not pay such carriers less than 100 percent of the applicable minimum rates and charges established by the Commission for the transportation actually performed by such other carriers."

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

Dated at San Francisco, California, this 30<sup>th</sup> day of NOVEMBER, 1965.

Fredrick B. Hallock  
President

Paul E. Smith

George J. Hoover

William A. Smith

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Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.