

Decision No. 70058**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of MOUNTAIN ROCK PRODUCTS, a corporation, of Fullerton, for a certificate to operate as a cement carrier (Application No. T-67,052, CMT-G), San Bernardino County, et al., (File No. T-67,052).

Application No. 46540

In the Matter of the Application of BULK TRANSPORTATION, a corporation, of Walnut, for a certificate to operate as a cement carrier (Application No. T-71,340, CMT-G), Orange County, et al., (File No. T-71,340).

Application No. 46541

In the Matter of the Application of GLENN E. WALKER, a corporation, of Fullerton, for a certificate to operate as a cement carrier (Application No. T-65,146, CMT-G), San Bernardino County, et al., (File No. T-65,146).

Application No. 46545

MODIFICATION OF OPERATING RIGHTS GRANTED  
GLENN E. WALKER BY DECISION NO. 69923

Each of the applicants herein was granted a "grandfather" cement carrier certificate by Decision No. 69923. All counties requested by Glenn E. Walker, a corporation, in Application No. 46545 were included in the certificate granted to it with the exception of Ventura and Kern Counties.

By letter dated November 22, 1965, the attorney for each of the three applicants herein pointed out that shipping documents reflecting delivery of a load of cement to the Counties of Ventura and Kern are included with Walker's

application. He requests that the cement carrier certificate issued to Walker be amended to include the two aforementioned carriers. In addition, he requests an extension of time in which to file tariffs for each of the three applicants.

We find that Walker transported cement as a cement carrier during the "grandfather" period to the Counties of Ventura and Kern as evidenced by documents filed with its application and conclude that the cement carrier certificate granted to Walker by Decision No. 69923 should be amended to authorize service to and within said counties. In view of this amendment to the decision, the time within which each of the applicants is required to file tariffs should be extended.

For clarification purposes, the operative rights granted to Walker by Decision No. 69923 will be revoked and a new certificate will be issued in lieu thereof. The restriction regarding payment to other carriers included in the certificate granted by Decision No. 69923 will likewise be included in the new certificate granted herein.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity issued to Glenn E. Walker, a corporation, by Decision No. 69923, dated November 9, 1965, in Applications Nos. 46540, 46541 and 46545, authorizing it to operate as a cement carrier, as defined in Section 214.1 of the Public Utilities Code is hereby amended to include authority to operate as a cement carrier from any and all points of origin to and within the Counties of Ventura and Kern.

2. The time within which each applicant herein is required by ordering paragraph 8(a) of Decision No. 69923 to file a written acceptance of the certificate granted to it by said decision, as amended herein, is hereby extended to January 3, 1966.

3. The time within which each applicant herein is required to file tariffs by paragraphs 8(b) and 9 of Decision No. 69923 is hereby extended to February 1, 1966.

4. Concurrently with the effective date of the tariff filings required by ordering paragraph 3 hereof, the operative right granted by Decision No. 69923 to Glenn E. Walker, a corporation, 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 Glenn E. Walker, a corporation, as particularly set forth in Appendix A attached hereto.

5. In all other respects, Decision No. 69923 shall remain in full force and effect.

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

Dated at San Francisco, California, this 7<sup>th</sup> day of December, 1965.

Fredrick B. Halbach  
President  
John E. [unclear]  
George C. [unclear]  
[unclear]  
William L. Berne  
Commissioners

Glenn E. Walker, 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 Fresno, Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura from any and all points of origin.

Whenever Glenn E. Walker engages other carriers for the transportation of property of Mountain Rock Products, Bulk Transportation, Glenn E. Walker, Glenn E. Walker Corporation, Mountain Ready-Mix, Contractors Ready-Mix, Freeman Ready-Mix, or Foster Sand & Gravel, or customers or suppliers of said individuals, partnerships or corporations, carrier shall not pay such other carriers rates and charges less than the rates and charges published in the carrier's tariffs on file with the Commission for the transportation actually performed by such other carriers.

(End of Appendix A)

Issued by California Public Utilities Commission.

Decision No. 70058, Application No. 46545.