

ORIGINAL

Decision No. 71451

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
W. D. GROOM TRUCKING, INC., a corpo-
ration, of Cotati, for a certificate
to operate as a cement carrier
(Application No. T-69,630, CMT-G),
Mendocino County, et al. (File No.
T-69,630).

Application No. 46369

John G. Lyons, for applicant.
Raymond A. Greene, Jr., for Universal
Transport System, Inc., and Miles &
Sons Trucking Service, protestants.
Don J. Harvey, for the Commission staff.

O P I N I O N

By ex parte Resolution No. 13821, Sub. No. 45, W. D. Groom Trucking, Inc., now known as North Bay Transport, Inc., was granted a "cement carrier" certificate. As the result of a letter filed by protestants the Commission granted rehearing.

Public hearing was held before Examiner Daly on September 12, 1966, at San Francisco, and the matter was submitted.

The letter of protest related to documentation of shipments in the Counties of Contra Costa and Kings. The letters of protest also raised the issue of good faith of applicant, alleging subsequent abandonment of the operations.

The attorney for applicant stipulated that the certificate could be amended by deleting therefrom the Counties of Contra Costa and Kings. The attorney for protestants accepted the stipulation and then indicated his desire to pursue the issue of abandonment subsequent to the grandfather period. The request to present evidence on this issue was denied because the Commission has repeatedly held

that it will not receive evidence relating to the discontinuance of service after the grandfather period on the ground that it is not relevant in the face of proof showing compliance with Section 3623 of the Public Utilities Code. (See Decision No. 69163, dated June 1, 1965, in Application No. 46565.)

After consideration the Commission finds that public convenience and necessity require the granting of the application to the extent hereinafter indicated. The certificate will be reissued in appendix form.

O R D E R

IT IS ORDERED that:

1. In the place and stead of the certificate granted by Resolution No. 13821, Sub. No. 45, a certificate of public convenience and necessity is hereby granted to North Bay Transport, Inc., authorizing operations as a cement carrier as set forth in Appendix A attached hereto.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- a. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-D. Failure to comply with and observe the safety rules, or the provisions of General Order No. 100-D, may result in a cancellation of the operating authority granted by this decision.

- b. Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- c. The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- d. The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 117.
- e. Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time shall prescribe.

3. Concurrent with the effective date of the tariff filings required by ordering paragraph 2(b) hereof, the operating authority granted by Resolution No. 13821, Sub. No. 45, is hereby revoked.

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

Dated at San Francisco, California, this 25th day of OCTOBER, 1966.

John E. Kitzbill
President

George H. Hoover

Fredrick B. Holoff

Augustus

William L. Bennett
Commissioners

By the certificate of public convenience and necessity noted in the margin below, North Bay Transport, Inc., is authorized to transport cement as a cement carrier as defined by Section 214.1 of the Public Utilities Code to and within the following counties from any and all points of origin:

Lake, Marin, Mendocino, San Joaquin and Sonoma.

End of Appendix A

Issued by California Public Utilities Commission.

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