

ORIGINALDecision No. 72533

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 ALTA BUILDING MATERIAL CO., A Corpor-
 ation, of Oakland, for a permit to
 operate as a cement contract carrier,
 Appl. No. 1-10450, Alameda, et al,
 Counties, (File No. T-55,632).

)
 Application No. 49124
 (Filed January 31, 1967)

William H. Ahern, for applicant.
Ray Greene, Handler, Baker & Greene, for
 Universal Transport System Inc.; Miles
 & Sons Trucking Service and Weber Trans-
 portation, Protestants.
E. J. Bertana, for Pacific Cement & Aggregates,
 interested party.
Donald J. Harvey, for the Commission staff.

O P I N I O N

Alta Building Materials Co. requests a permit to operate as a cement contract carrier from Davenport, Kentucky House and Permanente to Alameda County. A public hearing was held before Examiner O'Leary on March 14, 1967 at San Francisco. The matter was submitted subject to the filing of late filed exhibits and recommended findings of fact and conclusions of law. The filings have been received and the matter is ready for decision.

Applicant's vice-president testified that the primary business of applicant is the selling of building materials and ready mix concrete. Since 1962 applicant has been purchasing cement from Pacific Cement & Aggregates, Davenport; Calaveras Cement Company, Kentucky House and Kaiser Cement Company, Permanente. The cement was transported by applicant to its batching plant in Oakland where the cement was processed into ready mix concrete and sold to customers of applicant. Recently applicant decided to discontinue

batching ready mix concrete. Since discontinuing the batching operation, applicant has been purchasing ready mix concrete from a batch plant located on Peralta Street in Oakland which is operated by Pacific Cement & Aggregates.

Applicant has negotiated with and intends to sign an agreement with Pacific Cement & Aggregates whereby applicant agrees to purchase ready mix concrete from Pacific Cement & Aggregates; in return, Pacific Cement & Aggregates agrees to utilize the services of applicant to transport cement to its batch plant located on 92nd Avenue in Oakland, California. Applicant is unable to make delivery to the Peralta Street plant because of unloading limitations.

Applicant's vice-president testified that applicant desires to transport only that volume of cement necessary to produce the ready mix concrete which it will purchase from Pacific Cement & Aggregates. Said transportation will replace the transportation applicant enjoyed as a proprietary carrier prior to discontinuing its batching operation. During 1966 applicant transported approximately 450 loads of cement with the one unit of equipment described in the application.

Applicant has employed a mechanic for the past six or seven years. The mechanic inspects the equipment and makes necessary repairs three or four times a year. The two drivers who drive the equipment used for hauling the cement have been employed by the applicant for over ten years. If it becomes necessary, in the future, to employ new drivers applicant will check their prior employment to ascertain whether they are safe drivers. Since 1962 applicant has not been involved in any accidents. Applicant intends to transport the cement via the freeways. No operations

will be performed in congested areas during the hours of heavy commute traffic. During the period April 1965 to August 1966 applicant received one citation for exceeding the speed limit by five miles per hour and two citations were received for mechanical defects. The defects were repaired immediately after the citations were received. There was no evidence of any overloading of equipment. Applicant maintains public liability and property damage insurance in excess of the minimum required by the Commission. Applicant holds radial highway common carrier and city carrier permits which were issued in March 1963. Exhibit No. 4 which is the Financial Statement of applicant discloses a net worth of \$111,433.62 as of December 31, 1966.

Protestants oppose the granting of the authority sought unless the authority issued is restricted to the use of one unit of equipment as was utilized in the proprietary operation and is further restricted to the transportation of only that cement necessary to produce the ready mix concrete purchased by applicant from Pacific Cement & Aggregates. Applicant has no objection to such a restriction.

After consideration the Commission finds that:

1. Applicant possesses the ability and reasonable financial responsibility to initiate the operation as a cement carrier.
2. The privilege herein granted will not endanger the safety of the public or interfere with the public use of the public highways, nor impair the condition or maintenance of said 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 Pacific Cement & Aggregates from Pacific Cement & Aggregates, Davenport; Calaveras Cement Company, Kentucky House and Kaiser Cement Company, Permanente on the one hand to Pacific Cement & Aggregates plant located on 92nd Avenue, Oakland, California on the other hand.

3. Applicant's permit should be restricted to transportation performed only by the equipment presently owned by applicant which consists of a 1962 Mack tractor, a 1959 Freuhauf semi-trailer, and a 1959 Freuhauf pull-trailer or comparable equipment which may be required to replace the foregoing equipment.

4. Applicant's permit should be restricted to the transportation of only that volume of cement which is required by Pacific Cement & Aggregates to produce the amount of ready mix concrete which it sells to the applicant.

O R D E R

IT IS ORDERED that the Secretary of the Commission shall issue a cement contract carrier permit to Alta Building Material Co., a corporation authorizing the transportation of cement from Pacific Cement & Aggregates, Davenport; Calaveras Cement Company, Kentucky House and Kaiser Cement Company, Permanente on

the one hand to Pacific Cement & Aggregates plant located on 92nd Avenue, Oakland on the other hand. Said permit shall be subject to the following restrictions:

1. Transportation shall be performed only for Pacific Cement & Aggregates.

2. Transportation shall be performed only by the equipment presently owned by Alta Building Material Co. or comparable replacement equipment which may be acquired in the future.

3. Transportation shall be limited to that volume of cement which is required by Pacific Cement & Aggregates to produce the ready mix concrete purchased by Alta Building Material Co.

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

Dated at San Francisco, California, this 10th day of JUNE, 1967.

[Signature]
President

[Signature]
Member

[Signature]
[Signature]
Commissioners