

ORIGINAL

Decision No. 77314

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ODIS F. DYKES, an individual dba)
ODIS DYKES GRADING, of Bakersfield,)
California, for a permit to operate)
as a dump truck carrier, 50-mile)
radius from point of operations,)
Bakersfield (File No. T-93,746).)

Application No. 51677
(Filed January 29, 1970)

Vizzard, Baker, Sullivan, McFarland & Long,
by Allan H. McFarland, for applicant.
E. O. Blackman, for California Dump Truck
Association; G. Ralph Grago, by E. O.
Blackman, for Associated Independent
Owner Operators, interested parties.
James Diani, for the Commission staff.

O P I N I O N

Odis F. Dykes, doing business as Odis Dykes Grading,
requests a permit to operate as a dump truck carrier.

Public hearing was held before Examiner Porter on April 28,
1970, at Bakersfield, and the matter was submitted.

On October 15, 1969, applicant applied for a radial
highway common carrier permit as a dump truck operator. If the
permit had been issued, applicant would have been entitled to a
dump truck carrier permit in accordance with the grandfather provi-
sions of Section 3612 of the Public Utilities Code; however, appli-
cant's insurance company, through no fault of applicant, did not
file with the Commission the insurance it had written for him until
after November 10, 1969, the effective date of Section 3612 of the
Public Utilities Code. If the insurance had been filed timely,
applicant's permit would have been issued prior to November 10,

1969, and he would have been operating lawfully as a dump truck carrier on the effective date of the new section. Equity requires that applicant should not be penalized for the default of his insurance carrier. The Commission therefore finds that applicant has qualified for a dump truck carrier permit in accordance with the grandfather provisions of Section 3612 of the Public Utilities Code.

O R D E R

IT IS ORDERED that the Secretary of the Commission issue to Odis F. Dykes a permit to operate as a dump truck carrier.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 9th
day of JUNE, 1970.

William J. Lyons - Jr.
President
August
J. R. Smith
Alvin Brown
Vernon L. Sturgeon
Commissioners