

ORIGINAL

Decision No. 77485

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of R. C. COLLET, INC., a corpora-
tion, of Woodland, California,
for a permit to operate as a dump
truck carrier, Counties of Yolo,
et al. (File No. T-94,298).

Application No. 51766
(Filed March 4, 1970)

Robert C. Collet, for applicant.
George F. Naillon, for Universal Transport
Systems, protestant.
LaFay Lindeman, for Lindeman Bros., Inc.;
and E. O. Blackman, for California Dump
Truck Operators, interested parties.
James Diani, for the Commission staff.

O P I N I O N

This is an application by R. C. Collet, Inc. (hereinafter referred to as Collet) seeking a permit to operate as a dump truck carrier.

A duly noticed public hearing was held in this matter before Examiner Jarvis in Sacramento on May 27, 1970, and the matter was submitted on that date.

The record indicates that Collet has been and was engaged as a dump truck carrier on November 10, 1969. It appears that on November 18, 1969, Collet filed an application seeking operating authority which did not specify that it was seeking grandfather rights under Section 3612 of the Public Utilities Code. The application was returned to Collet and the present application was filed on March 4, 1970. Again, the face of the application as distinguished from the evidence, does not indicate a request for grandfather rights.

In addition to the facts heretofore recited evidence on Collet's fitness and the necessity for such service was introduced. Because of the disposition of the application hereinafter made it is not necessary to detail this evidence. The California Dump Truck Owners Association and Associated Independent Operators Association, which appeared herein as interested parties, indicated that, in the light of the aforesaid evidence, they had no objection to the granting of a grandfather permit to Collet.

Chapter 43 of the Statutes of 1970 amends Section 3612 of the Public Utilities Code and in part provides that:

"(b) Any dump truck carrier engaged in business as such on the effective date of this section shall file with the commission prior to March 16, 1970, an application for a permit to operate as a dump truck carrier; provided, that in lieu of all other fees required by law, the applicant shall pay a fee of twenty-five dollars (\$25). The commission shall issue such permit authorizing operation within the area requested in the application without further proceedings."

It appears that Collet qualifies for a permit under this section.

The Commission makes the following findings and conclusion:

Findings of Fact

1. Collet was engaged in the dump truck business on November 10, 1969.
2. The area encompassed by said business was 50 miles from the point of operations.
3. The instant application was filed on March 4, 1970.

Conclusion of Law

Collet should be granted a dump truck carrier permit pursuant to Section 3612(b) of the Public Utilities Code.

O R D E R

IT IS ORDERED that the Secretary of the Commission shall cause to be issued to R. C. Collet, Inc. a permit to operate as a dump truck carrier, subject to the following restriction: "Whenever permittee engages other carriers for the transportation of property of R. C. Collet, Inc., or customers or suppliers of said corporation, 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 14th day of JULY, 1970.

Chairman

William J. Quinn, Jr.

J. P. Vukasin, Jr.

Yusef L. Sturges
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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