

Decision No. 80690

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of RONALD D. O'KEEFE,
 an individual, to transfer, and
 of ALBERT JOE KELLY and SHIRLEY M.
 KELLY, a partnership dba JOE KELLY
 TRUCKING, to purchase a dump truck
 carrier permit, Statewide (File
 No. T-90-686).

Application No. 53436
 (Filed June 30, 1972)

Albert Joe Kelly, in propria persona, applicant.
G. Ralph Grago, for Association of Independent
 Owner-Operators, Inc., and for E. O.
 Blackman, for California Dump Truck Owners
 Association, interested parties.
T. H. Peceimer, for the Commission staff.

O P I N I O N

Ronald D. O'Keefe requests authority to sell and transfer,
 and Albert Joe Kelly and Shirley M. Kelly request authority to pur-
 chase and acquire, a dump truck carrier permit.

A public hearing was held before Examiner Daly on August 23,
 1972 at San Diego. The matter was continued to a date to be set at
 the request of applicant purchasers, who have subsequently informed
 the Commission, by letter, that they have nothing further to present
 and request that the matter be taken under submission.

Applicant purchasers own and propose to operate 14 pieces
 of equipment. As of June 22, 1972, they indicated a net worth in
 the amount of \$57,000. It is their intention to use subhaulers and
 have caused to be filed with the Commission a stipulation amending
 the \$10,000 surety bond formerly issued to Kelly Trucking Company,
 a corporation, so as to comply with the requirements of General
 Order No. 102-D.

The staff introduced Exhibit No. 1 which indicates that
 Albert J. Kelly was the sole stockholder of Kelly Trucking Company,
 a corporation; that by Decision No. 76055 dated August 28, 1969, the

Commission found that Kelly Trucking Company failed to pay certain subhaulers 100 percent of the minimum rate charges established by the Commission for transportation performed by said subhaulers; that pursuant to said decision Kelly Trucking Company paid a fine of \$500 and filed an initial report listing \$23,213.66 due to 37 subhaulers; that thereafter Kelly Trucking Company submitted reports of payments to subhaulers on a monthly basis until March 1972, at which time a total of \$14,302.99 was still unpaid; that on May 16, 1972, the operating authority of Kelly Trucking Company was suspended by Commission resolution for failure to comply with Decision No. 76055; and that on June 1, 1972, Kelly Trucking Company was adjudged a bankrupt.

In the event the transfer is authorized, the staff recommends that applicant purchasers be restricted in their use of subhaulers to the limits of their \$10,000 bond and that they be required to file monthly reports indicating the amount owed to each subhauler, and the total amount outstanding.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and it should be authorized subject to the restrictions hereinafter set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. After the effective date hereof, Ronald D. O'Keefe may sell and transfer, and Albert Joe Kelly and Shirley M. Kelly may purchase and acquire the operating authority herein considered.
2. The Commission Secretary is directed to issue a dump truck carrier permit to Albert Joe Kelly and Shirley M. Kelly, subject to the following conditions:
 - (1) Albert Joe Kelly and Shirley M. Kelly, in their use of subhaulers, shall not exceed the limits of the \$10,000 bond which they presently have on file with this Commission.

- (2) Albert Joe Kelly and Shirley M. Kelly shall file monthly reports with the Commission on the first Monday of each month commencing thirty days after the effective date of this order, indicating the amount owed to each subhauler and the total amount outstanding.

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

Dated at San Francisco, California, this 31st
day of OCTOBER, 1972.

Vernon L. Steenson
President
William L. Quinn
W. L. Quinn
John W. Quinn
John W. Quinn
Commissioners