

ORIGINAL

Decision No. 82277

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of WILLIAM HILL HAYES)
and JUNE M. FRANKLIN, a partnership)
dba KENYATTA ENTERPRISES, of Daly)
City, San Mateo County, for a per-)
mit as a dump truck carrier. }

Application No. 54388
(Filed October 16, 1973)

William Hill Hayes, for himself and June M. Franklin, applicants.

James R. Foote, for Associated Independent Owner-Operators, Inc., and C. Ralph Eighmy, for California Dump Truck Owners' Association, protestants.

T. H. Peceimer, for the Commission staff.

O P I N I O N

William Hill Hayes and June M. Franklin, copartners doing business as Kenyatta Enterprises, request a dump truck carrier permit.

Upon the receipt of protests the matter was set for public hearing, which was held before Examiner Daly on November 14, 1973 at San Francisco.

Applicants' main place of business is located in Daly City. They own a tractor and a trailer, which are covered by public liability and property damage to the extent of \$300,000. As of October 11, 1973 they indicated a net worth in the amount of \$39,300. Applicants do not propose to transport C.O.D. shipments, nor to lease equipment from employees, nor do they propose to engage sub-haulers.

Applicant Hayes has had 15 years of experience in the business of transporting property over the public highways. Until recently he was a member of a copartnership which conducted operations pursuant to a contract carrier permit and a dump truck carrier permit duly issued by this Commission. In June 1973 the assets of the copartnership and the permits were transferred to a corporation known as IHL Trucking Company pursuant to Commission

authorization. On August 27, 1973, the permits were revoked for failure to file quarterly reports. At the time of revocation applicant Hayes was engaged in the operational aspects of the corporation and was unaware that those engaged in the management of the corporation had failed to file the required quarterly reports.

Protestants contend that the granting of the application would have an adverse public effect because it would result in additional vehicles using the public highways during a time when the country is facing a national fuel shortage.

The staff takes the position that the granting of the permit would merely replace the permit previously revoked and would have no adverse effect upon the public or the existing carriers.

After consideration the Commission finds that:

1. Granting of the permit will merely replace the dump truck carrier permit issued to IHL Trucking Company which was revoked.
2. Applicants are fit and proper persons to receive a permit to operate as a dump truck carrier.
3. Applicants have sufficient operating knowledge and financial ability to conduct the proposed operation.
4. Granting of the permit will not (a) endanger the safety of the public or interfere with the public use of the public highways or impair the condition or maintenance of them directly or indirectly; (b) will not unnecessarily burden the public highways; and (c) is necessary to the public and will not impair the ability of presently permitted dump truck carriers to provide adequate service at the lowest possible reasonable rates.
5. Applicant William Hill Hayes meets the statutory residence requirement.
6. We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that the Secretary of the Commission shall issue to William Hill Hayes and June M. Franklin, a partnership doing business as Kenyatta Enterprises, a permit authorizing operations as a dump truck carrier pursuant to Section 3613 of the Public Utilities Code, upon the condition that applicants have first filed with the Commission evidence of adequate bodily injury and property damage insurance, as required by General Order No. 100-Series and obtain minimum rate tariffs governing their operation pursuant to Section 3737 of the Public Utilities Code.

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

Dated at San Francisco, California, this 18th day of DECEMBER, 1973.

I dissent:

William Hill Hayes, Commissioner

Vernon L. Sturgeon
President

William Hill Hayes

[Signature]

Commissioners

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