

Decision No. 82670

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
UNION TRANSPORTATION CO., a California  
corporation, and WESTERN CEMENT TRANS-  
PORT, INC., a California corporation,  
to Acquire a Cement Carrier Certificate.

Application No. 54498  
(Filed December 11, 1973)

## ORDER OF DISMISSAL

Union Transportation Co., a California corporation, requests authority to sell and transfer, and Western Cement Transport, Inc. requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a cement carrier.

The certificate is prescriptive in nature and as set forth in Commission Resolution No. 13821, Sub. No. 19 dated June 23, 1954 in Application No. 46450 authorizes the transportation of shipments of cement to and within the counties of El Dorado, Placer, and Sacramento. The agreed cash consideration is \$1,500.

Applicant purchaser is engaged in the transportation of cement pursuant to a cement contract carrier permit which covers 16 counties including El Dorado and Placer. It maintains its principal place of business in Hayward and as of September 30, 1973 indicated a net worth in the amount of \$28,820.

Section 3542.1 of the Public Utilities Code prohibits a person or corporation from engaging in transportation both as a cement carrier and as a cement contract carrier. This prohibition applies whether or not the counties authorized by the certificate are different from those authorized by the permit. The law prohibits us from granting this application. (See Re Leonard A. Kinzel (1967) 66 CPUC 816.)

A. 54498 Imm

Therefore, IT IS ORDERED that Application No. 54498 is dismissed.

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

Dated at San Francisco, California, this 2nd day of APRIL, 1974.

James L. Stevenson  
President  
William J. ...  
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Commissioners