

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Mitchell R. Lubenko, doing business )  
 as Lubenko Construction Company, for )  
 authority to obtain a Dump Truck )  
 Carrier Permit to operate in the )  
 Counties of Amador, El Dorado, )  
 Sacramento, Calaveras, San Joaquin, )  
 and Yolo. )

Application 84-08-116  
(Filed August 28, 1984)

O P I N I O N

Mitchell R. Lubenko (applicant), an individual doing business as Lubenko Construction Company, requests a dump truck carrier permit for authority to operate in the Counties of Amador, El Dorado, Sacramento, Calaveras, San Joaquin, and Yolo. Notice of the filing of the application appeared in the Daily Transportation Calendar of September 10, 1984. No protests have been filed.

Applicant has never held authority from this Commission. He will be transporting aggregate materials and asphalt in a dump truck. He will not engage subhaulers or lease equipment from employees.

Applicant has resided in the State of California continuously for 90 days preceding the filing of the application.

Certificates supporting the application were filed by Gerry Ninnis, Inc. of Plymouth, Barlow Trucking of Sacramento, and Industrial Asphalt of Rancho Cordova. All three promised to utilize applicant's service in transporting asphalt and aggregates.

Applicant's balance sheet dated March 31, 1984 lists assets of \$353,218, liabilities of \$45,606, and a net worth of \$307,611.

Findings of Fact

1. Applicant:

- a. Is a fit and proper person to receive a permit to operate as a dump truck carrier.

- b. Has sufficient operating knowledge and financial ability to initiate and continue the proposed operation.
- c. Has demonstrated that the privilege sought:
  - (1) Will not 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.
  - (2) Will not unnecessarily burden the public highways.
  - (3) Is necessary to serve the public and will not impair the ability of presently permitted dump truck carriers to provide adequate service at the lowest possible reasonable rates.

2. Applicant has resided continuously in the State of California for at least the 90 days preceding the filing of this application.

3. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

4. The following order complies with the Commission's Energy Efficiency Plan.

5. A public hearing is not necessary.

Conclusions of Law

1. Applicant should be granted a dump truck carrier permit authorizing operations within and between points in the Counties of Amador, El Dorado, Sacramento, Calaveras, San Joaquin, and Yolo.

2. The following order should be effective today to be consistent with other permit grants.

O R D E R

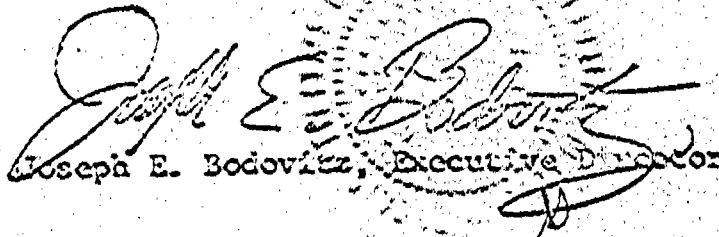
IT IS ORDERED that the Executive Director shall issue a dump truck carrier permit to Mitchell R. Lubenko, authorizing operations within and between points in the Counties of Amador, El Dorado, Sacramento, Calaveras, San Joaquin, and Yolo upon compliance with General Order Series 100.

This order is effective today.

Dated DEC 5 1984, at San Francisco, California.

DONALD VIAL  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
WILLIAM T. BAGLEY  
FREDERICK R. DUDA  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

  
Joseph E. Bodovitz, Executive Director