

ORIGINAL

NOV 13 1987

Decision S7 11 010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Randall Dean Morgan doing business as )  
 Del Norte Rock Products for authority )  
 to obtain a Dump Truck Carrier Permit )  
 to operate in the counties of Alameda, )  
 Alpine, Amador, Butte, Calaveras, )  
 Colusa, Contra Costa, Del Norte, )  
 El Dorado, Fresno, Glenn, Humboldt, )  
 Imperial, Inyo, Kern, Kings, Lake, )  
 Lassen, Los Angeles, Madera, Marin, )  
 Mariposa, Mendocino, Merced, Modoc, )  
 Mono, Monterey, Napa, Nevada, Orange, )  
 Placer, Plumas, Riverside, Sacramento, )  
 San Benito, San Bernardino, San Diego, )  
 San Francisco, San Joaquin, San Luis )  
 Obispo, San Mateo, Santa Barbara, )  
 Santa Clara, Santa Cruz, Shasta, )  
 Sierra, Siskiyou, Solano, Sonoma, )  
 Stanislaus, Sutter, Tehama, Trinity, )  
 Tulare, Tuolumne, Ventura, Yolo, and )  
 Yuba. )

Application 86-07-045  
(Filed July 24, 1986)

OPINION

Randall Dean Morgan, dba Del Norte Rock Products, requests a dump truck permit to operate in Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Ventura, Yolo, and Yuba Counties. Notice of the filing was properly published. Hemmingsen Concrete Company, which holds a dump truck permit, wrote to say that it would file a formal protest as soon as applicant supplied it with a copy of the application. Protracted

negotiations followed, culminating in the purchase of all stock in Hemmingsen by applicant. His acquisition of control was authorized on June 26, 1987. We will, therefore, treat the protest as moot.

On October 8, 1987, staff issued an Advice of Participation stating that it "...sees no impediment to the issuance of a permit..." Staff recommended the subhauler restriction which appears in the order.

The application shows that applicant has \$27,000 capital, including \$5,000 cash, plus \$98,000 worth of stock. He has no liabilities. Applicant owns a truck. The application is supported by a shipper.

Findings of Fact

1. Applicant has resided in the state for at least 90 days.
2. The privilege sought:
  - a. Will not endanger the safety of the public or interfere with the public use of the public highways.
  - b. Will not unnecessarily burden the public highways.
  - c. Is necessary to serve the public and to provide adequate service at the lowest possible reasonable rates.
3. The applicant is a fit and proper person to receive a permit to operate as a dump truck carrier.
4. The applicant has sufficient operating knowledge and financial ability to initiate and continue the proposed operation.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
6. A public hearing is not necessary.

Conclusions of Law

1. Applicant should be granted the permit applied for.
2. The grant should be effective today to be consistent with other permit grants.

ORDER

IT IS ORDERED that the Executive Director is authorized to issue the permit applied for. The permit shall contain the following restriction:

"Whenever permittee engages other carriers for the transportation of property of Hemmingsen Concrete Co., or subsidiaries or affiliates thereof, permittee shall not pay such carriers less than 100% of the applicable minimum rates and charges established by the Commission for the transportation actually performed by such carriers."

This order is effective today.

Dated NOV 13 1987, at San Francisco, California.

STANLEY W. HULETT  
President  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OGANIAN  
Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

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

  
Victor Weisser, Executive Director

AS