

FEB 5 1992

Decision 92-02-016 February 5, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Robert Stone Lewis, dba Triple "S")
 Transport, For Cement Contract)
 Carrier Permit to operate in Santa)
 Cruz, Monterey, and San Luis Obispo)
 Counties.)

ORIGINAL

Application 91-06-021
 (Filed June 11, 1991;
 amended August 28, 1991)

O P I N I O N

Applicant Robert Stone Lewis, dba Triple "S" Transport, filed this application for cement contract carrier authority to operate in the Counties listed in the title block. The application was supported by Navajo Concrete, Inc. (Navajo) which predicted that it would ship 7,000 tons of cement in applicant's first year of business giving applicant \$111,000 of revenue. Applicant's financial statement showed a net worth of \$ 201,000 with liabilities of \$64,000, with the required working capital estimate being \$4,570. The application contained the usual showing concerning safety.

Timely protests were filed by Commercial Transfer, Inc. and Miles & Sons Trucking Service, Inc.

Applicant thereupon amended his request to limit his operations to the County of San Luis Obispo, and to operations solely for Navajo, contingent upon withdrawal of the protests. The protests were withdrawn, and the matter is now ready for decision. Transportation Division staff recommends that the permit be granted upon compliance with General Order 100-L, safety provisions of the Vehicle Code, and Highway Patrol regulations dealing with public safety.

Findings of Fact

1. Notice of the filing of the amended application appeared in the Transportation Calendar on September 5, 1991. The protests have been withdrawn. A hearing is not necessary.

- a. Applicant is financially and organizationally capable of conducting an operation that complies with the rules and regulations of the Department of the California Highway Patrol governing highway safety.
- b. Applicant is committed to observing the hours of service regulations of state and, where applicable, federal law, for all persons, whether employees or subhaulers, operating vehicles in transportation for compensation under the permit.
- c. Applicant has a preventive maintenance program in effect for its vehicles used in transportation for compensation that conforms to regulations of the Department of the California Highway Patrol in Title 13 of the California Code of Regulations.
- d. Applicant participates in a program to regularly check the driving records of all persons, whether employees or subhaulers, operating vehicles used in transportation for compensation requiring a class 1 driver's license under the permit.
- e. Applicant has a safety education and training program in effect for all persons, whether employees or subhaulers, operating vehicles used in transportation for compensation.
- f. Applicant will maintain its vehicles used in transportation for compensation in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.

- g. Applicant has filed with the Commission the certificate of workers' compensation insurance coverage or statement required by Section 3554.
 - h. Applicant has provided the Commission an address of an office or terminal where documents supporting the factual matters specified in the showing required by this section may be inspected by the Commission and the Department of the California Highway Patrol.
2. Applicant has made the requisite showing that it:
- a. Is fit and proper person to receive a permit to operate as a cement contract carrier.
 - b. Has sufficient operating and financial ability to initiate and continue the proposed operation.
3. The privilege sought:
- a. 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.
 - b. Will not unnecessarily burden the public highways.
 - c. Will not impair the ability of presently certificated carriers or permitted cement contract carriers to provide or to continue to provide adequate services as such, at the lowest possible reasonable rates.
4. Applicant has resided in the State of California for not less than 90 days preceding the filing of the application.

Conclusions of Law

- 1. The application as amended should be granted.
- 2. A public hearing is not necessary.

ORDER

IT IS ORDERED that the Executive Director shall issue a cement contract permit to Robert Stone Lewis, dba Triple "S" Transport, authorizing operations from any and all points of origin within the state to and within points in the County of San Luis Obispo, solely for the account of Navajo Concrete, Inc.

This order is effective today.

Dated February 5, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director