

ORIGINAL

Decision 82 03 025 AUG 4 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Virginia Dejesus, doing business)
as Pintail Trucking, Inc., for)
permission to obtain a Cement)
Contract Carrier Permit to operate)
in the Counties of San Luis Obispo,)
Kern, and San Bernardino.)
(File 372.70.))

Application 82-03-13
(Filed March 4, 1982)

Virginia Dejesus, for Pintail Trucking, Inc.,
applicant.
Ronald Rigazio, for Max Binswanger Trucking,
protestant.
George B. Shannon, for Southwestern Portland
Cement Co.; William Mitze, for Riverside
Cement Co.; William T. Barklie, for
California Portland Cement Co.; T. W.
Anderson, for General Portland, Inc.;
Frank Pfost, for Pacific Coast Cement
Corp.; and Don Austin for Monolith
Portland Cement Co.; interested parties.

FINAL OPINION

By Decision (D.) 82-05-023 dated May 4, 1982 in this proceeding we authorized Pintail Trucking, Inc. (Pintail) to operate as a cement contract carrier to points in Alameda, Contra Costa, Placer, Sacramento, San Mateo, Santa Cruz, and Solano Counties. That authority is due to expire 120 days from the effective date of the order, which was the date of issue.

Pintail had initially requested authority to transport cement to all counties located north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino. The application was protested by ten carriers holding cement authorities. The protestants had alleged that business conditions in the construction industry have been, and continue to be, depressed, and that most cement carriers are being forced to idle much of their equipment and lay off personnel. They also asserted that the service proposed by Pintail would impair the ability of presently certificated cement carriers and cement contract carriers to provide adequate services at the lowest possible reasonable rates. We issued the above interim authority because of our inability to proceed more promptly to public hearing due to our extremely crowded San Francisco hearing calendar.

By letter dated June 1, 1982 Pintail amended its application and limited its request to service to the counties of Alameda, Contra Costa, Placer, Sacramento, San Francisco, San Mateo, Santa Cruz, and Solano. By letter dated June 10, 1982 Pintail further amended its application. It now requests authority to transport cement as a contract carrier only to points of destination located within Contra Costa County. Several, but not all of the protestants have withdrawn their protests.

A duly noticed public hearing was held in San Francisco on June 21, 1982 before Administrative Law Judge (ALJ) Lemke. One protesting carrier located in southern California appeared at the hearing because it had received no information concerning Pintail's most recent amendment. No other protestants attended the hearing. Representatives of several cement companies attended the hearing as interested parties.

Virginia Dejesus, president of Pintail, testified in support of the application. She adopted the information contained in the application and in her prepared testimony dated June 1, 1982 which was furnished the Commission and all parties in accordance with the ALJ's Ruling dated April 28, 1982.

The relevant information contained in Pintail's application justifying issuance of the temporary authority has been recited in our interim decision and need not be restated here. In addition to that information, Pintail, in its prepared testimony, states essentially as follows:

1. Pintail has purchased a set of pneumatic hoppers for handling bulk shipments for Antioch Building Materials Company. Pintail is also planning to purchase a set of flatbed doubles in order to handle this shipper's sacked cement requirements.
2. Pintail believes it has no need for additional pneumatic bulk trailers as it does not wish to compete in the current depressed market with established carriers.
3. Regarding its financial ability, Pintail advises that it has an open line of credit with Wells Fargo Bank.

Based upon the evidence, the amended application, and the withdrawal or nonappearance of protestants, we will cancel the interim authority which we issued by D.82-05-023 and concurrently issue Pintail a cement contract permit authorizing the transportation of cement to all points located within Contra Costa County.

Findings of Fact

1. Pintail has amended its application and now requests authority to operate as a cement contract carrier to points of destination located solely within Contra Costa County.
2. Pintail currently holds permanent authority authorizing operations as a highway contract carrier, a dump truck carrier, and a highway common carrier.

3. Pintail is a fit and proper corporation to receive a permanent permit authorizing it to operate as a cement contract carrier, and possesses sufficient operating knowledge and financial ability to perform this operation.

4. Pintail's equipment will not endanger the safety of the public or interfere with the public use of the highways or impair the condition or maintenance of them, either directly or indirectly.

5. The permit authority sought will not impair the ability of presently certificated cement carriers or permitted cement contract carriers to provide or to continue to provide adequate services as such at the lowest possible reasonable rates.

6. The carriers who had filed protests to the granting of the original authority have withdrawn their protests either by direct written or oral statement or by failure to attend the duly noticed public hearing.

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

8. The following order complies with the guidelines in the Commission's Energy Efficiency Plan.

Conclusions of Law

1. Pintail should be granted a permanent cement contract carrier permit authorizing operations to all points located in Contra Costa County.

2. The effective date of the following order should be the date of signature to be consistent with the issuance of permits to other classes of carriers.

FINAL ORDER

IT IS ORDERED that upon compliance with the Commission's General Order Series 100, the Executive Director shall issue a cement contract carrier permit to Pintail Trucking, Inc., authorizing operations to points in Contra Costa County and shall concurrently cancel Pintail's temporary authority issued by D.82-05-023.

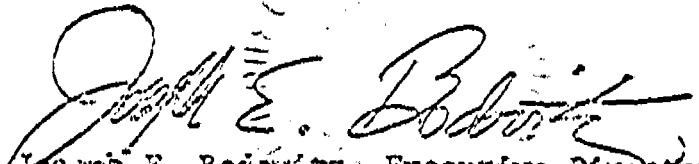
This order is effective today.

Dated AUG 4 1982, at San Francisco, California.

JOHN E. BRYSON
President
LEONARD M. CRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
COMMISSIONERS

Commissioner Richard D. Gravello, being necessarily absent, did not participate in the disposition of this proceeding.

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


Joseph E. Bodovitz, Executive Director