

ORIGINAL

Decision 83 97 027 JUL 20 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of R & K TRUCKING, a corporation,)
for an extension of its)
certificate of public convenience)
and necessity for the transpor-)
tation of cement between)
points in the counties of Santa)
Barbara and Imperial pursuant)
to Section 1063 of the California)
Public Utilities Code, and the)
issuance of an in-lieu cement)
carrier certificate of public)
convenience and necessity.)

Application 83-01-23
(Filed January 14, 1983)

O P I N I O N

R & K Trucking (applicant), a California corporation, holds a certificate of public convenience and necessity as a cement carrier authorizing operations in Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties granted by Decision (D.) 83-04-076 in Application (A.) 82-11-41. It also holds highway contract and dump truck carrier permits under File T-115,508. Applicant seeks an in-lieu certificate authorizing it to extend its cement operations to include Santa Barbara and Imperial Counties.

Applicant currently has established its rates through Western Motor Tariff Bureau (WMTB) publications. It plans to establish rates for the extended service in conformity with the WMTB's existing rates and charges.

Applicant has a modern fleet which includes 25 power units (three of which are dump trucks), six pneumatic and three bottom dump, cement-type trailers. Its balance sheet shows bank accounts of \$807,000 plus trade receivables of over \$200,000. Its total equity is nearly \$1.4 million, virtually all of which is current or retained earnings.

Notice of the filing of this application appeared in the Commission's Transportation Calendar on January 20, 1983. No protests have been received.

Findings of Fact

1. Public convenience and necessity require that applicant be authorized to operate as a common carrier of cement in Santa Barbara and Imperial Counties.

2. Applicant is a California corporation.

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 has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

Conclusion of Law

Applicant has demonstrated public convenience and necessity, and the application should be granted. A public hearing is not necessary.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. An in-lieu certificate of public convenience and necessity is granted to R & K Trucking, a California corporation, authorizing it to operate as a cement carrier, as defined in Public Utilities Code Section 214.1, between the points set forth in Appendix A.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs within 120 days after this order is effective.
- c. State in its tariffs when service will start; allow at least 30 days' notice to the Commission; and make tariffs effective 30 or more days after this order is effective.
- d. Comply with General Orders Series 100, 117, 123, and 150, and the California Highway Patrol safety rules.
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, it shall file the tariff provisions required by that General Order.

3. The certificate of public convenience and necessity granted in paragraph 1 shall supersede that granted by D.83-04-076 in A.82-11-41. That certificate is revoked on the effective date of the tariff filings required by paragraph 2.b.

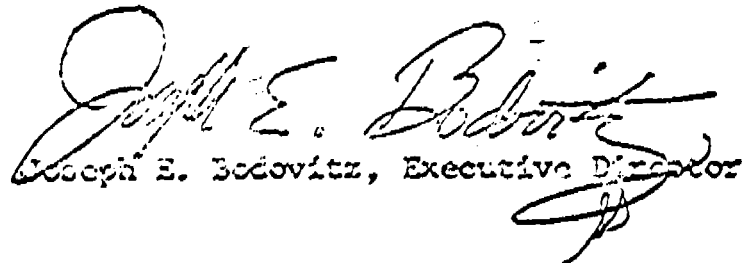
This order becomes effective 30 days from today.

Dated JUL 20 1983, at San Francisco, California.

LEONARD M. CRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. CREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

R & K Trucking, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to conduct operations as a cement carrier as defined in Section 214.1 of the Public Utilities Code, from any and all points of origin to all points in the Counties of Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura subject to the following restrictions:

RESTRICTIONS:

1. Whenever R & K Trucking, a California Corporation, engages other carriers for the transportation of property of Randy Caillier and/or Kurt Caillier and/or A & A Ready Mix Company, R & K Trucking shall not pay such other carriers rates and charges less than the rates and charges published in tariffs filed with this Commission by R & K Trucking.
2. This certificate of public convenience and necessity shall lapse and terminate if not exercised for a period of one year.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 83 07 027, Application 83-01-23.