

RM/ai

Decision No. 90110 MAR 27 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CHARLES O.)
STUBBLEFIELD, an individual of)
Lone Pine, California, for a)
permit to operate as a dump)
truck carrier (File 372.70).)

Application No. 58493
(Filed November 30, 1978)

Charles O. Stubblefield, for
himself.
James D. Martens, for California
Dump Truck Owners Association,
interested party.
Stanley E. Garrett, for the
Commission staff.

O P I N I O N

Applicant, Charles O. Stubblefield, dba C & C Trucking, requests the issuance of a dump truck carrier permit.

A public hearing was held before Administrative Law Judge William A. Turkish on January 26, 1979 in Los Angeles and the matter was submitted on that date.

No protests to the application were filed and none raised at the hearing.

Applicant's principal place of business is located in Lone Pine, California. He owns and operates a 1964 Peterbilt 10-wheeler, set up for an end dump, a 1972 Peterbilt cab over and a 1969 Cook Brothers transfer unit. As of November 4, 1978, applicant indicates a net worth of \$61,136.

According to the testimony of applicant, he has been employed by Viking Trucking for approximately six months as a driver, with his truck equipment leased to Viking. Prior to

that he was employed in the same manner for two years by Walton Trucking Company, which was recently bought out by his present employer. Applicant has been driving trucks for a total of seven years. He was born and raised in Lone Pine and has made his home continuously there.

He testified that his employer wants to do away with driver/lease arrangements and wants all such employees to obtain their own permits and become owner/operator subhaulers. Thus, in order to keep his current employment, applicant must obtain a permit and thereafter perform the same work as an independent subhauler. Although his employer has statewide hauls, applicant has been primarily hauling between Boron and Owens Lake in the Owens Valley and sometimes to Kern and Los Angeles Counties. He does not intend to seek other business but will continue to do what he is now doing for Viking Trucking as an independent subhauler.

Applicant's equipment is in excellent shape and was last inspected by the California Highway Patrol in September or October 1978. He performs all the necessary maintenance work himself, except for engine work which is farmed out. Applicant further testified that he has never had any problems with law enforcement agencies; that his equipment will be operated in a safe manner; that it is covered by adequate liability insurance; and that his operations will not have an adverse effect upon the highways or upon other existing dump truck carriers. He also testified that he primarily wants the permit for Inyo and Kern Counties, with occasional hauls to the Los Angeles basin.

The staff witness testified that although applicant's financial capacity could be improved upon, applicant appears to

have met the provisions of Public Utilities Code Section 3613 and, in view of the fact that there are no protestants, recommended that the permit be granted.

A representative for the California Dump Truck Owners Association offered the opinion that the public interest would not be served if the permit is not issued, and recommended that it be granted with a limitation to the areas in which applicant is now operating.

Findings

1. Applicant is presently engaged as an employee driver of Viking Trucking and as a lessor of dump truck equipment to Viking Trucking.

2. Applicant is seeking this permit upon the insistence of his employer, who wants to do away with driver/leasing arrangements, and use only independent operator subhaulers to do its hauling.

3. Applicant proposes to use his dump truck equipment exclusively as a subhauler for his current employer, hauling the same material on the same routes he is currently engaged in.

4. Applicant has seven years experience in the trucking business and performs his own maintenance, other than extensive engine work, on his equipment.

5. Applicant hauls between and within Inyo and Kern Counties, and between such counties and Los Angeles County.

6. Applicant has demonstrated by a preponderance of the evidence that:

- (a) He is a fit and proper person to receive a permit as a dump truck carrier and possesses sufficient operating knowledge and financial ability to perform the proposed operation.

- (b) His equipment is presently being used on the public highways in Inyo, Kern, and Los Angeles Counties and his proposed future use will not endanger the safety of said highways or impair the condition or maintenance of them, directly or indirectly.
- (c) His proposed operation will not unnecessarily burden the public highways, 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.

7. Applicant has resided in the State of California for not less than 90 days next preceding the filing of his application.

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

Conclusion

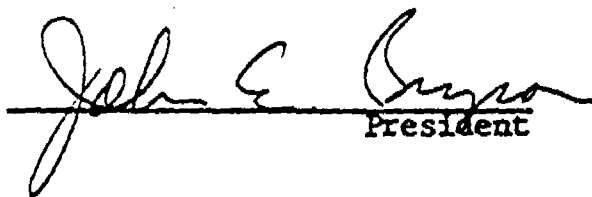
The Commission concludes that applicant should be granted a dump truck carrier permit authorizing operations between the counties of Inyo, Kern, and Los Angeles and within the counties of Inyo and Kern. There is a present need for applicant's proposed service, and, in view of that present need and the lack of any protest, the following order should be effective the date of signature.

O R D E R

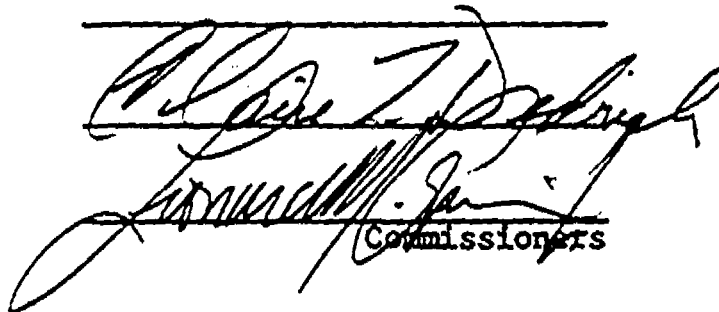
IT IS ORDERED that the Executive Director shall issue a dump truck carrier permit to Charles O. Stubblefield, dba C & C Trucking, authorizing operations between the counties of Inyo, Kern, and Los Angeles and within the counties of Inyo and Kern.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 27th day of MARCH, 1979.



President



Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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