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APR 24 1979

ORIGINAL

Decision No. 90231

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of DANI L. WAGNER, dba)
WAGNER'S TRUCKING, for a permit as)
a dump truck carrier, Orange,)
California. (372.70))

Application No. 58376
(Filed September 22, 1978)

Michel D. Maddy, Attorney at Law,
for applicant.
Jan Apple, for California Dump Truck
Owners Association; and Harry C.
Phelan, Jr., for California Asphalt
Pavement Association; interested
parties.
Frank A. Marx, for the Commission staff.

O P I N I O N

Dani L. Wagner (Wagner), dba Wagner's Trucking, seeks a permit to operate as a dump truck carrier.

Public Hearing was held before Administrative Law Judge N. R. Johnson in Santa Ana on February 9, 1979 and the matter was submitted. Testimony was presented on behalf of applicant by himself and by Mr. Norman, owner of Norman Construction Company, who testified that he will utilize the services of Wagner's Trucking should the requested permit be issued.

According to the testimony of Mr. Wagner, he will operate one dump truck and transfer body primarily in Orange, Los Angeles, and San Bernardino Counties and further, that he is familiar with and will charge in accordance with the minimum rates set forth in dump truck carrier tariffs.

Mr. Wagner's testimony also indicated that there is presently more demand for dump truck business than the existing dump truck carriers can adequately handle. Exhibit 1 consisted of nine letters from various construction firms indicating that they would utilize Wagner's Trucking service were it to become available.

Mr. Wagner also testified that he is presently the manager of J. D. Dean Trucking and, therefore, is thoroughly familiar with all aspects of the dump truck carrier business. He also stated that he possesses Classes 1, 2, 3, and 4 driver's licenses, has good credit, has never been charged with a felony, and has never declared bankruptcy. He further testified that the requisite liability insurance for the proposed operation is available and that he will obtain the required amount of insurance when his equipment is delivered in April 1979.

Mr. Norman testified that he was familiar with Mr. Wagner's competence and qualifications and that with his present contract commitments, he will be able to utilize Wagner's Trucking service two out of every four weeks for a six-month period. No protests were submitted in the proceeding.

Findings

1. Mr. Wagner is presently employed by J. D. Dean Trucking in a managerial and driving capacity and, therefore, possesses sufficient knowledge to initiate and continue the proposed operation.

2. Mr. Wagner has been assured by numerous contractors that they will provide him with jobs should the requested permit be granted.

3. There is more business than presently permitted dump truck carriers can adequately handle, so the proposed operation

will not impair the ability of presently permitted dump truck carriers to provide adequate service at the lowest possible reasonable rates.

4. Mr. Wagner is a fit and proper person to receive a permit to operate as a dump truck carrier and has the requisite financial ability for the proposed operation.

5. Mr. Wagner is presently operating dump truck carrier equipment on public highways, and the proposed similar operation will not endanger the safety of said highways or impair the condition or maintenance of them directly or indirectly.

6. Mr. Wagner has resided in the State of California for not less than 90 days next preceding the filing of this application.

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.

The Commission concludes that Mr. Wagner should be granted a dump truck carrier permit.

ORDER

IT IS ORDERED that the Executive Director shall issue a dump truck carrier permit to Dani L. Wagner, dba Wagner's Trucking.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 24th day of APRIL, 1979.

John E. Bryson
President
David L. Stegerson
Charles D. Stovall
Clair A. Gutsch
Commissioners