

SEG/FS

ORIGINAL

Decision No. 90954 OCT 23 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Kenneth A. Avelino for a permit )  
to operate as a Dump Truck )  
Carrier, Contra Costa County. )  
File 37270 )

Application No. 58949  
(Filed June 20, 1979)

O P I N I O N

Applicant Kenneth A. Avelino, an individual, doing business as K and K Trucking, requests the issuance of a dump truck carrier permit. Applicant holds a highway contract carrier permit issued by this Commission under File No. T-128,139. Notice of the filing of this application appeared on the Commission's Daily Calendar of June 25, 1979. No protests to the application have been received.

Applicant's place of business is located in Canyon, California (near Moraga) and his equipment is maintained at the same location. He states that he has had 14 years' experience as a dump truck driver, six years of which were in the employ of Kaiser Sand and Gravel Co.

Applicant proposes to operate a 1979 Mack tractor in the Counties of Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara and Santa Cruz. He has stated that he is familiar with the minimum rates contained in the applicable dump truck tariff and will charge in accordance therewith. As of April 3, 1979, applicant indicates a net worth of \$194,437.70.

As attachments to his application, applicant has filed letters from Ben Salamoni Trucking Service, Inc. and Fred Grimes Trucking and from Kaiser Sand and Gravel Company, who have stated that they would utilize the services of the applicant as a subhauler and a prime carrier in the area applied for.

Applicant has alleged that he intends to maintain his own equipment and have it inspected by the California Highway Patrol at frequent intervals.

Applicant states that he has a good driving record and has been the recipient of several "good driver" and other safety awards from various employers. He has a good credit rating and no record of criminal behavior.

Findings

1. Applicant is presently self employed and with his considerable years of experience possesses sufficient knowledge and experience to initiate and continue the proposed operation.

2. Applicant proposes to use his dump truck equipment for two carriers as a subhauler and for a large supplier of sand, gravel and building materials as a prime carrier. The parties who will use the applicant's services have furnished letters in support of the application.

3. Applicant has demonstrated that there is a need for his services which is not presently being provided by existing dump truck carriers.

4. Applicant has demonstrated by a preponderance of 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 within and between the Counties of Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara and Santa Cruz and its proposed future use will not endanger the safety of said highways or impair the condition or maintenance of them either directly or indirectly.
- c. His proposed operation will not unnecessarily burden the public highways.

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5. Applicant has provided information regarding his safe operation of vehicles over the public highways.

6. Applicant has the experience, equipment and financial resources to institute and maintain the proposed operation.

7. Applicant has resided in the State of California for not less than ninety days next preceding the filing of this 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.

The Commission concludes that the applicant should be granted a dump truck permit authorizing operations within and between the Counties of Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara and Santa Cruz.

O R D E R

IT IS ORDERED that the Executive Director shall issue a dump truck carrier permit to Kenneth A. Avelino, doing business as K and K Trucking, authorizing operations within and between the Counties of Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara and Santa Cruz.

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

Dated OCT 23 1979, at San Francisco, California.

Commissioner JOHN E. BRYSON

Present but not participating.

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

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President.

*Robert D. Howell*  
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*John J. DeSjude*  
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*James M. Young*  
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Commissioners