

Decision No. 91348 FEB 13 1980

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Abel Fernando	)	
Reyes, an individual, of Whittier,	)	Application No. 59281
California, for a permit to	)	(Filed November 19, 1979)
operate as a dump truck carrier.	)	

O P I N I O N

Applicant Abel Fernando Reyes, an individual, requests the issuance of a dump truck carrier permit. At present, applicant holds no operating authority from this Commission. Notice of the filing of the application appeared in the Commission's Daily Calendar of November 20, 1979. No protests to the application have been received.

Applicant's principal place of business is located at 7426 Duchess Drive, Whittier, California 90606 and his equipment is located at Irwindale, California and maintained in Los Angeles, California. He has been employed by the Bureau of Street Maintenance, City of Los Angeles, since 1954, as a truck driver hauling heavy equipment such as tractors, rollers, etc., also driving dump truck equipment.

Applicant proposes to operate a 1979 Mack tractor and a semi-bottom-dump and a full botton-dump 1979 Freuhauf trailer, in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura. He has stated in his application that he is familiar with the minimum rates contained in the Commission's Minimum Rate Tariffs 7-A and 17-A and will charge in accordance therewith. As of October 20, 1979, applicant indicates a net worth of \$73,600.

As attachments to his application, applicant has filed letters from a dump truck prime carrier and a ready-mix plant operator who have stated that they would use the services of the applicant in the area applied for as a subhauler and a prime carrier, respectively.

Applicant has alleged that he intends to maintain his equipment himself and have it inspected quarterly by the California Highway Patrol.

Applicant has stated that he possesses the necessary licenses to operate the equipment and has a good driving record. He has a good credit rating, has never filed bankruptcy, and has no record of criminal behavior.

#### Findings

1. Applicant is presently employed by the Bureau of Street Maintenance of the City of Los Angeles as a truck driver of dump truck equipment and as such possesses sufficient knowledge and experience to initiate and continue the proposed operation.

2. Applicant proposes to use his dump truck equipment for another dump truck carrier as a subhauler, and for a ready-mix plant as a prime carrier in the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura. Parties who will use the carrier's service 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 met by existing dump truck carriers.

4. Applicant has demonstrated by 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 resources to perform the proposed operation.

- b. The proposed use of applicant's equipment on the public highways within and between the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura, 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, 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.

5. Applicant has provided information regarding his safe record of 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.

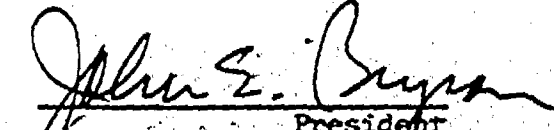
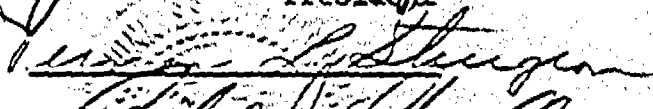
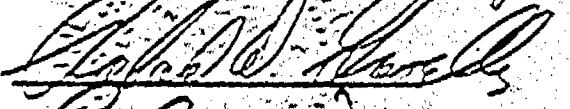

The Commission concludes that the applicant should be granted a dump truck carrier permit authorizing operations within and between the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura.

O R D E R

IT IS ORDERED that the Executive Director shall issue a dump truck carrier permit to Abel Fernando Reyes, an individual, authorizing operations within and between the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura.

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

Dated FEB 13 1980, at San Francisco, California.

  
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President  
  
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Commissioners

Commissioner Leonard M. Grimes, Jr.,  
being necessarily absent, did not  
participate.