

Decision No. 91397 MAR 4 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application)	
of LARRY FRANCIS STEPP dba)	Application No. 59160
AMERICAN POOLS, for a permit to)	(Filed September 25, 1979)
operate as a dump truck carrier,)	
Pleasanton.)	

O P I N I O N

Applicant Larry Francis Stepp, an individual, doing business as American Pools, requests the issuance of a dump truck carrier permit. Applicant does not presently hold operating authority from this Commission. Notice of the filing of the application appeared in the Commission's Daily Calendar of September 27, 1979. No protests to the application have been received.

Applicant's principal place of business is located in Pleasanton, California and his equipment is maintained at Dublin, California. Prior to opening his swimming pool construction business, he was employed by Crystal Pools and Gene Allen Pools in Pleasanton. He indicates that he is thoroughly familiar with all phases of this particular type of construction enterprise including the hauling and disposal of excavated dirt from construction sites.

Applicant proposes to operate two units of highway equipment - a 10-wheel 1975 Mack and a 10-wheel 1974 International within a 10-mile radius of the City of Pleasanton. He has stated that he is familiar with the rates contained in Minimum Rate Tariffs 7 and 20 and will charge in accordance therewith. As of September 30, 1979, applicant indicated a net worth of \$663,531 and a total income for the nine months ending September 30, 1979 of \$106,736.

As attachments to his application, applicant has filed letters from two swimming pool construction companies who stated that they would utilize his services in the area applied for as a prime dump truck carrier.

Applicant has alleged that he intends to have major equipment maintenance performed by Chuck's Fleet Repair, Dublin, California.

Minor maintenance will be performed by assigned drivers of each unit. Equipment will be inspected at regular and frequent intervals by the California Highway Patrol.

Applicant has stated that he employs only holders of Class One drivers licenses who are experienced in 10-wheel dump truck operation. A training program will be conducted for new employees to provide information on the special operating and safety requirements of the enterprise.

Applicant has a good credit rating and no record of criminal behavior of any kind. He is a member of the National Swim Pool Institute and the Bay Area Swim Pool Builders Association.

Findings

1. Applicant possesses sufficient knowledge and experience to conduct the proposed operation.

2. Applicant proposes to use his dump truck equipment for two construction companies as a prime carrier. These parties 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 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 a radius of ten (10) miles of the City of Pleasanton 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, 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 record of operation of vehicles over the public highways.

6. Applicant has the experience, equipment and financial resources necessary 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 application in question may have a significant impact on the environment.

The Commission concludes that the applicant should be granted a dump truck permit authorizing operation within a ten (10) statute mile radius of the City of Pleasanton.

ORDER

IT IS ORDERED that the Executive Director shall issue a dump truck carrier permit to Larry F. Stepp, an individual, doing business as American Pools, authorizing operations within and between points located within a ten (10) statute mile radius of the City of Pleasanton.

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

Dated MAR 4 1980, at San Francisco, California.

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

John E. Byrne
President
Vernon L. Stepp
Richard D. Howell
Stanley M. Smith
Commissioners