

Decision No. 92156

AUG 19 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOHN B. COBBETT,)
an individual, of BISHOP,)
California, for permit to operate)
as a dump truck carrier.)
(F 372.70))

Application No. 59605
(Filed April 21, 1980)

O P I N I O N

Applicant John B. Cobbett, an individual, requests the issuance of a dump truck carrier permit. Applicant presently holds a seasonal agricultural carrier permit issued by this Commission under File T-102,159. A copy of the application has been provided to California Dump Truck Owners' Association, the California Trucking Association and a number of interested parties. Notice of the filing of the application appeared in the Commission's Daily Calendar of April 23, 1980. No protests to the application have been received.

Applicant's principal place of business is located at 2716 Sunset Drive, Bishop, California, and his equipment is kept and maintained at that location.

Applicant has been subhauling for McCune's Ready Mix and Bishop Ready Mix. Prior to that he was employed for a year by Hiatt Sand and Gravel as a driver.

Applicant proposes to operate one tractor and trailer within and between the counties of Inyo and Mono. He states he is familiar with the provisions of Minimum Rate Tariff 7-A and will charge in accordance therewith. As of April 7, 1980, he indicated a net worth of \$44,846.98 with a net profit of \$3,957 for the ninety days ending July 6, 1979.

As an attachment to his application, applicant has filed a certification of support from Bishop Ready Mix stating that it would utilize the services of the applicant in the counties applied for as a prime carrier.

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

Applicant states that he has a good driving record. He further states that he has never filed bankruptcy, and has no record of criminal behavior.

Findings

1. Applicant possesses sufficient knowledge and experience to conduct the proposed operation.
2. Applicant proposes to use his dump truck equipment for a ready mix company as a prime carrier. The party who will use the applicant's services has furnished a letter in support of the application.
3. Applicant has demonstrated that there is a need for his services which is not 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 resources to perform the proposed operation.
 - b. The proposed use of applicant's equipment on the public highways within and between the counties of Inyo and Mono 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.

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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 Inyo and Mono.

O R D E R

IT IS ORDERED that the Executive Director shall issue a dump truck carrier permit to John B. Cobbett, an individual, authorizing operations within and between the counties of Inyo and Mono.

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

Dated AUG 19 1980, at San Francisco, California.

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

John E. Guyon
President
Vernon L. Sturgeon

Clair J. Padwick
Arnold H. King
Commissioners