

Decision No. 92768 MAR 3 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application )  
of BILL MACKEY AND SONS TRUCKING, )  
INC., for a permit to operate as )  
a dump truck carrier. )

Application No. 59795  
(Filed July 7, 1980)

O P I N I O N

Applicant Bill Mackey and Sons Trucking, Inc., a California corporation, requests the issuance of a dump truck carrier permit. Applicant holds a highway contract carrier permit issued under File No. T-131749. Notice of the filing of the application appeared in the Commission's Daily Calendar of July 10, 1980. No protests to the application have been received.

Applicant's principal place of business is located at 5299 Sussex Place, Newark, California. Its equipment is kept in the yard of Silvey Brothers Trucking in Newark.

Applicant's president has had one year of experience in hauling sand, gravel and gypsum as a subhauler for Miles & Sons Trucking, Inc., operating within a 50-mile radius of Newark.

Applicant proposes to operate three units of power equipment and two trailers between points and places within a 50-mile radius of Newark. Applicant states that it has obtained copies of MRT 7 and

MRT 20 and Directory 2, and is familiar with them. It will charge rates in accordance therewith. As of June 20, 1980, applicant indicates a net worth of \$58,979.00 with a net profit of \$59,157.16 for the first six months of 1980.

As an attachment to its application, applicant has filed letters from two dump truck carriers who have stated that they would use the services of the applicant in the area applied for, as a subhauler.

Applicants are instructed in safe driving practices when initially hired. Safe driving practices and good vehicle maintenance are emphasized as part of applicant's basic policy of operation.

Findings of Fact

1. Applicant's president has the necessary experience in dump truck operation to demonstrate that applicant possesses sufficient knowledge and experience to initiate and continue the proposed operation.

2. Applicant proposes to use its equipment as a subhauler.

3. Applicant has demonstrated that there is a need for its service that is not being provided by existing dump truck carriers.

4. Applicant has demonstrated by preponderance of evidence that:

- (a) It is a fit and proper entity to receive a dump truck carrier permit and possesses sufficient knowledge and financial ability to conduct the proposed operation.

- (b) The proposed use of the applicant's equipment will not endanger the safety of the public highways or impair the condition of maintenance of them either directly or indirectly.
- (c) Its 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.

SS 5. Applicant has provided information regarding the safe record of operation of its ~~vehicles~~ over the public highways.

6. Applicant has been qualified to transact business in the State of California on the date of the 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.

SS 8. The following order complies with the <sup>guidelines of the</sup> Commission's Energy Efficiency Plan.

9. The following order should be effective the date of signature to be consistent with other permit grants.

Conclusion of Law

Applicant should be granted a dump truck permit authorizing operations within and between the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, and Solano.

O R D E R

IT IS ORDERED that the Executive Director shall issue a dump truck carrier permit to Bill Mackey and Sons Trucking, Inc., a California corporation, authorizing operations within and between the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, and Solano.

The effective date of this order is the date hereof.

Dated MAR 3 1981, at San Francisco, California.

John E. Gray  
President  
Richard W. ...  
...  
...

Commissioners