

Decision No. 92827 MAR 17 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
David Steven Kettenhofen (Kettenhofen)
Excavating and Trucking) for a dump)
truck carrier permit, Placer County,)
et.al.)

Application No. 60104
(Filed November 21, 1980)

O P I N I O N

Applicant David Steven Kettenhofen, an individual doing business as Kettenhofen Excavating and Trucking, requests the issuance of a dump truck carrier permit. Applicant presently holds no authority issued by this Commission. Notice of the filing of the application appeared on the Commission's Daily Calendar of November 25, 1980. No protests to the application have been received.

Applicant's principal place of business is located in Homewood, California.

Applicant proposed to operate a dump truck as a prime carrier in the counties of Placer, Nevada, El Dorado, and Sierra. He has stated that he is familiar with the rates in Minimum Rate Tariff 7-A and will charge in accordance therewith. As of March 3, 1980, applicant indicates a net worth of \$80,000.

As attachments to his application, applicant has filed a letter from four contractors who have stated that they would use the services of the applicant in the counties applied for, as a prime carrier. Each will require applicant to haul 4,620 tons per year. He supplied no information to support his request for statewide subhaul authority.

Findings of Fact

1. Applicant proposes to use his dump truck equipment for four excavating contractors as a prime carrier. These parties have each furnished a letter in support of the application.

2. Applicant has demonstrated that there is a need for his services as a prime carrier which is not presently being provided by existing dump truck carriers.
3. Applicant has not supported his proposal for statewide subhaul operations.
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, equipment, and financial ability to institute and maintain the proposed operation.
- (b) His equipment is presently being used on the public highways within and between the counties of Placer, Nevada, El Dorado, and Sierra, 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 resided in the State of California for not less than ninety days next preceding the filing of this application.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

7. The following order complies with the Commission's Energy Efficiency Plan.

Conclusion of Law

The applicant should be granted a dump truck permit authorizing operation within and between the counties of Placer, Nevada, El Dorado, and Sierra. To be consistent with other permitting action where permits are effective when issued, the following order should be effective the date of signature.

ORDER

IT IS ORDERED that the Executive Director shall issue a dump truck carrier permit to David Steven Kettenhofen, an individual doing business as Kettenhofen Excavating and Trucking, authorizing operations within and between the counties of Placer, Nevada, El Dorado, and Sierra.

The effective date of this order is the date hereof.

Dated MAR 17 1981, at San Francisco, California.

John E. Conroy President
Richard D. Cavallo
Samuel W. Lewis
Walter Colvin
Commissioners