

ALJ/lq

Decision 93281 JUL 7 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Robert Edwin Barber, doing business
as R. E. Barber Trucking, for a Dump
Truck Carrier Permit, Alameda et al
Cos. (File 372.70)

Application 60395
(Filed March 25, 1981)

O P I N I O N

Applicant Robert Edwin Barber, doing business as R. E. Barber Trucking, seeks a dump truck carrier permit to operate in Alameda and Contra Costa Counties now and in Plumas County upon his retirement. A copy of the application was served on various shipper and carrier associations. Notice of the filing appeared in the Commission's Daily Calendar on March 31, 1981. No protests have been received.

Applicant's place of business is at 260 Valle Vista, Danville, California 94526. He proposes to operate one end dump truck with power lifts to haul dirt, sand, rock, gravel, and construction materials. He will not engage subhaulers or lease equipment from employees. The application is supported by three potential shippers.

Applicant has been operating as a dump truck subhauler and has been assigned carrier number T-128,986. If the requested permit is granted, subhauling will account for 75-85% of his total gross revenue.

The sought permit should be issued for the Counties of Alameda and Contra Costa within and between which applicant will operate now. As to Plumas County, the application states that he will operate there when he retires, but does not indicate when this might be.

Operating authority is issued for service to be undertaken in the present and not for some probable service that might be provided at some uncertain time in the future. When and if applicant does intend to actually undertake operations in Plumas County, he may at that time request that his authority be amended by appropriate application to the Commission.

Findings of Fact

1. Applicant has established by a preponderance of evidence:
 - a. That he is a fit and proper person to receive a permit to operate as a dump truck carrier.
 - b. That he has sufficient operating knowledge and financial ability to initiate and continue the proposed operation.
 - c. That the privilege sought:
 - (1) Will not endanger the safety of the public or interfere with the public use of the public highways or impair the condition or maintenance of them, directly or indirectly.
 - (2) Will not unnecessarily burden the public highways.
 - (3) 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.
2. Applicant has resided in the State of California for not less than 90 days next preceding the filing of this application.
3. The following order complies with the guidelines in the Commission's Energy Efficiency Plan.
4. Applicant has the necessary experience in dump truck operation to demonstrate that he possesses sufficient knowledge and experience to initiate and continue the proposed operation.
5. Applicant has demonstrated that there is a need for his service that is not being provided by existing dump truck carriers.

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.

Conclusions of Law

1. Applicant should be granted a dump truck permit authorizing operations within and between points in the Counties of Alameda and Contra Costa.

2. The effective date of the order should be the date of issuance to be consistent with the issuance of permits to other classes of carriers.

3. The application as it pertains to the County of Plumas should be denied.

O R D E R

IT IS ORDERED that:

1. The Executive Director shall issue a dump truck carrier permit to Robert Edwin Barber, doing business as R. E. Barber Trucking, authorizing operations within and between points in the Counties of Alameda and Contra Costa.

2. The application as it pertains to the County of Plumas is denied without prejudice.

This order is effective today.

Dated Jul - 7 1987, at San Francisco, California.

John E. Byrne
President

Lawrence J. ...
Walter ...

Priscilla C. ...
Commissioners

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