

Decision No. 16850.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
F. W. GOMPH, Agent, for and on behalf
of: THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY, CENTRAL CALIFORNIA
TRACTION COMPANY, HOLTON INTER-URBAN
RAILWAY COMPANY, INDIAN VALLEY RAILROAD
COMPANY, LOS ANGELES & SALT LAKE RAIL-
ROAD COMPANY, LOS ANGELES JUNCTION RAIL-
WAY COMPANY, NORTHWESTERN PACIFIC RAIL-
ROAD COMPANY, PACIFIC ELECTRIC RAILWAY
COMPANY, PENINSULA RAILWAY COMPANY,
PETALUMA AND SANTA ROSA RAILROAD COM-
PANY, SACRAMENTO NORTHERN RAILWAY, SAN
DIEGO AND ARIZONA RAILWAY COMPANY, SAN-
TA MARIA VALLEY RAILROAD COMPANY, SOUTHE-
ERN PACIFIC COMPANY, STOCKTON TERMINAL
AND EASTERN RAILROAD, SUNSET RAILWAY
COMPANY, TIDEWATER SOUTHERN RAILWAY
COMPANY, TONOPAH AND TIDEWATER RAIL-
ROAD COMPANY, VISALIA ELECTRIC RAIL-
ROAD COMPANY, THE WESTERN PACIFIC RAIL-
ROAD COMPANY, YOSEMITE VALLEY RAILROAD
COMPANY, AMADOR CENTRAL RAILROAD COM-
PANY, CALIFORNIA WESTERN RAILROAD AND
NAVIGATION COMPANY, NEVADA COUNTY NAR-
ROW GAUGE RAILROAD COMPANY, SAN JOAQUIN
AND EASTERN RAILROAD COMPANY, CALIFORNIA
CENTRAL RAILROAD COMPANY, SIERRA RAILWAY
COMPANY OF CALIFORNIA, for authority un-
der Section 63 of the Public Utilities
Act to establish increased rates, etc.,
and to establish amended classifica-
tions, practices, rules and regulations,
resulting in increased rates, etc.

ORIGINAL

Application No. 16850.

F. W. Gomph, Berne Levy, Gerald E. Duffy and E. E. Bennett,
Frank Karr, R. E. Wedekind, J. E. Lyons and A. Burton
Mason, for the applicants.

F. W. Turcotte and B. H. Carmichael, for St. Helens Petro-
leum Company, Limited, as their interests may appear.

BY THE COMMISSION:

OPINION AND ORDER ON REHEARING

This proceeding deals with the propriety of granting

permission to applicants to publish and apply within the State of California, Pacific Freight Tariff Bureau Circular No. 19 (Interstate Commerce Commission No. 909) governing the distillation methods for testing petroleum products. The circular became effective for interstate traffic April 26, 1928.

We found in our original opinion and order, Decision No. 23694, May 18, 1931 (36 C.R.C. 285), that the California railroads should be authorized to adopt the circular, subject to the condition that the definition of petroleum gas oil appearing on page 7 thereof be amended so as to include kerosene distillates. The carriers took no action upon the authorization as granted.

The proceeding was reopened at the request of applicants, who are now seeking a reconsideration of the record and a modification of the prior order. The item under discussion reads as follows:

DISTILLATION METHOD No. 2

For Testing

Petroleum Gas Oil, viz.: Untreated Petroleum Distillate with initial boiling point not less than 250° Fahrenheit, and end point not less than 570° Fahrenheit, as determined by this Distillation Method.

At the hearing, held in Los Angeles November 4, 1932, before Examiner Geary, the merits of the proposed testing standards were discussed by the interested parties, and testimony was received. The application and the entire record disclosed that by reason of changed commercial and manufacturing conditions very little kerosene distillate is now moving of the kind which called forth the original protest, resulting in the suggested exceptions to Circular No. 19. This tonnage is of such a consist that it very nearly fits into the definition of petroleum gas oil, and the only objections made were to that part of the rule requiring a final boiling point of not

less than 570° Fahrenheit. Applicants agreed that the item would be published to embrace within the definition of petroleum gas oil all Untreated petroleum distillates having an initial boiling point of not less than 250° Fahrenheit and an end point of not less than 500° Fahrenheit. This amendment places the kerosene distillate within the gas oil group, and met with the approval of the oil interests. No increases in charges will result from the use of the proposed circular governing the distillation methods, and this authorization will establish uniformity between interstate and intrastate shipments.

Upon consideration of the original record and of the changes proposed by this application we are of the opinion and find that the use of Pacific Freight Tariff Bureau Circular No. 19 has been justified and as amended should be authorized for California intrastate traffic.

O R D E R

This application having been duly heard and submitted, full investigation of the matters and things involved having been had, and basing this order on the findings of fact and the conclusions contained in the preceding opinion,

IT IS HEREBY ORDERED that applicants be and they are hereby authorized to establish for California intrastate traffic, on not less than ten (10) days' notice to the Commission and to the public, Pacific Freight Tariff Bureau Circular No. 19, subject to the condition that the definition of petroleum gas oil appearing on page 7 of the circular be amended to provide for Untreated Petroleum Distillate with initial boiling point not less than 250° Fahrenheit, and end point not less than 500° Fahrenheit.

Dated at San Francisco, California, this 5th day of December, 1932.

P. L. Weaver
Leon Whidely
M. A. Pe...
W. B. Lewis
Fred G. Stewart
Commissioner