

ORIGINAL

Decision No. 43050

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )		
LANG TRANSPORTATION CORPORATION for )		
a certificate of public convenience )	Applications	
and necessity to operate as a )	Nos. 29416	29491
highway common carrier for the trans- )	29417	29492
portation of petroleum produces, )	29471	29667
insecticides and chemicals, in bulk, )	29472	29693
in tank trucks and trailers over )	29473	29711
described routes, )	29474	29799
and )	29490	29586
related applications. )		

O P I N I O N

By Decision No. 42623, dated March 15, 1949, on Applications Nos. 29416, et al, thirty-five (35) applicants were granted authority to conduct operations as highway common carriers, under Section 2-3/4 of the Public Utilities Act; for the transportation of various types of petroleum products. In all of these cases wherein the applicant was granted authority to transport petroleum products in bulk, there was an exception reading as follows:

"...except liquid asphalt and hot road oils and any other petroleum products requiring insulated tanks..."

The fourteen (14) applicants herein request that that part of the exception reading

"...any other petroleum products requiring insulated tanks..." be removed from the certificates previously granted. It is alleged in the instant petitions that it is necessary from time to time to transport commodities such as fuel oil in insulated equipment. This necessity arises particularly in cold weather.

In Decision No. 42623, supra, there was no evidence relating to the transportation of fuel oil in insulated tanks.

Furthermore, the Commission found therein that the hauling performed in insulated tanks was not such hauling as fell under the requirements of highway common carriage as defined in Section 2-3/4 of the Public Utilities Act.

Inasmuch as the petitioners herein allege that the hauling of fuel oil in insulated tanks is an occasional and unusual occurrence and in view of the findings in Decision No. 42623, it is not believed that the authority granted under that decision should be modified. Therefore, these petitions will be denied.

O R D E R

Petitions as hereinabove described having been filed, the Commission having considered the same and good cause appearing,

IT IS ORDERED that Applications Nos. 29416, 29417, 29471, 29472, 29473, 29474, 29490, 29491, 29492, 29667, 29693, 29711, 29799 and 29586, be and they hereby are denied.

The effective date of this order shall be 20 days after the date hereof.

Dated at San Francisco, California, this 28<sup>th</sup> day of June, 1949.

R. F. Johnson  
Justice J. Casper  
James H. Russell  
Harold T. Kels  
Kenneth Pitts  
COMMISSIONERS