

Decision No. 44330

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CANTLAY & TANZOLA, INC., for a certifi-)
 cate to operate as a highway common)
 carrier for the transportation of petro-)
 leum and petroleum products, and other)
 liquid commodities, including chemicals) Application No. 29470
 and edible and inedible oils and fats,)
 in bulk, in tank trucks and trailers,)
 between all points and places in the)
 State of California.)
 -----)

In the Matter of the Application of)
 CLARENCE J. LAMB, LORA LAMB, and)
 COLIN J. BOONE (Lamb Transportation Co.),)
 for a certificate to operate as a high-) Application No. 29586
 way common carrier for the transporta-)
 tion of commodities, in bulk, in tank)
 trucks and trailers over described routes.)
 -----)

In the Matter of the Application of)
 PRESIDENT TANK LINES, INC., for a certifi-)
 cate to operate as a highway common carrier) Application No. 29640
 for the transportation of petroleum products,)
 in bulk, in tank trucks and trailers, over)
 described routes.)
 -----)

In the Matter of the Application of)
 AMERICAN TRANSFER CO., for a certificate)
 to operate as a highway common carrier for) Application No. 30037
 the transportation of petroleum products)
 in bulk, in tank trucks and trailers, over)
 described routes.)
 -----)

Bertram S. Silver and Edward M. Berol for American Trans-
 fer Co.; Bertin A. Weyl for President Tank Lines, Inc.; Lloyd R.
Guerra for Cantlay & Tanzola, Inc.; Gordon & Knapp, by Wyman C.
Knapp, for Lamb Transportation Co.; C. P. Stephenson, L. C. Monroe,
H. M. Schafer for Union Oil Company, and A. E. Patton for Richfield
 Oil Corporation, interested parties.

O P I N I O N

Three of the four applicants herein⁽¹⁾, by Decision No. 42623, dated March 15, 1949 (48 P.U.C. 559), received authority to transport "petroleum products, in bulk, except liquefied petroleum gases and any other petroleum products requiring pressurized tanks and except liquid asphalt and hot road oils and any other petroleum products requiring insulated tanks . . ." over certain designated routes. The fourth applicant⁽²⁾ received like authority by Decision No. 42866, dated May 10, 1949.

Each of the four applicants in this matter now requests that the phrase "any other petroleum products requiring insulated tanks" be eliminated, so as to permit the hauling, in insulated tanks, of petroleum products other than liquid asphalt and hot road oils. Each petition alleges that it sometimes becomes necessary, particularly in cold weather, to use insulated tanks for some products such as fuel oil.

Public hearings were held in these matters before Examiner Syphers at Los Angeles on February 14, 1950, at which time evidence was adduced and the matter submitted.

Testimony was presented indicating that each of the applicants herein transports fuel oil and that in cold weather it is sometimes necessary to use insulated tanks in this transportation. Particularly is this true of the so-called black oils which are sometimes used for fuel oil, including smudge oil, Navy sea oils, and other heavy fuel oils.

(1) Cantlay & Tanzola, Inc., Lamb Transportation Co., and President Tank Lines, Incorporated.

(2) American Transfer Company

The elimination of the words "and any other petroleum products requiring insulated tanks" was considered in Decision No. 42623, supra, and again in Decision No. 43050, dated June 28, 1949, and in Decision No. 43515, dated November 7, 1949. In each of these decisions it was determined that the transportation of "liquid asphalts and hot road oils and any other petroleum products requiring insulated tanks" was not such hauling as fell within the requirements of highway common carriage, as defined in Section 2-3/4 of the Public Utilities Act.

After a careful consideration of the evidence in this record, we do not believe there has been a sufficient showing to warrant a different holding as to the occasional hauling of fuel oil in insulated tanks. Furthermore, we must take cognizance of the 1949 amendments to the Public Utilities Act, setting up and defining the term "petroleum irregular route carrier" in Section 2-3/4(d) and providing for certification of such a carrier under Section 50-3/4(c).

In the light of these considerations, it is not believed that the authority granted to the applicants herein by Decisions Nos. 42623 and 42866 should be modified so as to eliminate the words "and any other petroleum products requiring insulated tanks" and we so find.

O R D E R

Applications having been filed in these matters, a public hearing having been held, the Commission being fully advised in the premises, and good cause appearing,

IT IS ORDERED that Application No. 29470, Cantlay & Tanzola, Inc., Application No. 29586, Clarence J. Lamb, Lora Lamb, and Colin J. Boone, doing business as Lamb Transportation Co., Application No. 29640, President Tank Lines, Inc., and Application No. 30037, American Transfer Co., be, and they hereby are, denied.

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

Dated at San Francisco, California, this 20th day of June, 1950.

R. E. Anderson

Edward A. ...

Harold A. ...

Herbert H. ...

...
COMMISSIONERS