

Decision No. 44524

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 EMPIRE TRANSPORTATION COMPANY, a)
 California corporation, for a certifi-)
 cate of public convenience and neces-)
 sity, authorizing the transportation of) Application No. 29817
 all types of petroleum and petroleum)
 products in tank vehicles between all)
 points and places in the state of)
 California, as a highway common carrier.)

Glanz & Russell, by Arthur H. Glanz, for applicant.
Bertram S. Silver and Edward M. Berol for Allyn Tank Lines, Fortier
 Transportation Company, Ransome Transportation Company, and
 Pacific Truck Service; Phil Jacobson for F. N. Rumbley Company and
 C. F. Butane Co., protestants.

O P I N I O N

By Decision No. 42623, dated March 15, 1949 (48 Cal. P.U.C. 559), Empire Transportation Company was granted a certificate of public convenience and necessity, as a highway common carrier, for the transportation of "petroleum products, in bulk, except liquid asphalts and hot road oils, and any other petroleum products requiring insulated tanks" over certain specified routes. This certificate also contained a restriction stating "liquefied petroleum gases and other petroleum products requiring pressurized equipment may be hauled only between Bakersfield and points within fifty (50) miles thereof, on the one hand, and on the other, San Francisco and points within fifty (50) miles thereof, via U. S. 99 and U. S. 50."

Applicant herein filed a petition for rehearing, contending that the authority granted to applicant should be enlarged so as to permit the transportation of liquefied petroleum gases within all of the area in which applicant now is authorized to transport other petroleum products in bulk.

Under date of January 10, 1950, this Commission issued an order opening this proceeding for further hearings.

Public hearings were held in Los Angeles before Commissioner Huls and Examiner Syphers on January 20, February 21 and 24, and March 3, 1950. On these dates evidence was adduced and on the last-named date the matter was submitted.

According to the testimony previously adduced, which led to Decision No. 42623, supra, and as stated in the petition for rehearing, applicant's transportation of liquefied petroleum gases, up to the time of the prior hearings, was confined to the area surrounding Bakersfield, on the one hand, and San Francisco, on the other.

In the instant hearings, applicant presented testimony of one public witness who testified that his company was shipping liquefied petroleum gases between various points in California and desired to use applicant for this hauling. However, this witness further testified that his company was aware of, and had used, other carriers and had no complaint as to the services of these other carriers.

The operations manager for applicant company testified as to the equipment now operated and pointed out that applicant now has two complete units equipped to haul liquefied petroleum gases.

Exhibits FH-1, FH-2, and FH-3 list shipments of liquefied petroleum gases transported on these two units during designated periods.

Representatives of four carriers, each of whom is certificated to haul liquefied petroleum gases, testified that they were operating as transporters of liquefied petroleum gases, that their equipment was not now being used to full capacity, and that each was ready and able to handle additional hauling.

The dispatcher of applicant company testified that, on occasions, he had been unable to obtain these other carriers to handle excess loads; however, on other occasions they have performed such hauling for applicant.

After a thorough consideration of all of the evidence presented, we are of the opinion and hereby find that public convenience and necessity do not require the additional authority herein sought. There is no question but that applicant received, by Decision No. 42623, supra, all of the authority warranted by the record in the first hearing in this matter. The additional evidence presented in the rehearing does not justify any enlargement of that authority.

O R D E R

A petition for rehearing having been filed, a public hearing having been held thereon, the Commission being fully advised in the premises, and hereby finding that public convenience and necessity do not require any enlargement of applicant's operating authority, as set out in Decision No. 42623, supra,

IT IS ORDERED that the petition of applicant be denied.

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

Dated at San Francisco California, this 11th
day of July, 1950.

R. Z. Indurana
James F. Gessner
Wm. H. Lowell
Harold T. Kula
Kenneth Potter
COMMISSIONERS