

Decision No. 44691

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 SERVICE TANK LINE, a California corporation)
 for a certificate of public convenience to)
 operate an automobile freight service as a)
 petroleum irregular route carrier between)
 all points in the State of California by) Application No. 31241
 reason of operations conducted on and after)
 September 1, 1949, under Highway Common)
 Carrier Permit, Highway Contract Carrier)
 Permit, and City Carrier Permit issued by)
 the Public Utilities Commission.)

O P I N I O N

Applicant, Service Tank Line, a corporation, is the holder of a certificate of public convenience and necessity authorizing it to establish and operate a service as a highway common carrier, as defined in Section 2 3/4 of the Public Utilities Act, for the transportation of 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, upon and along certain routes, including intermediate points, with the right to make lateral departures therefrom within a radius of fifty (50) miles of those routes⁽¹⁾.

The applicant herein requests a certificate of public convenience and necessity to operate as a petroleum irregular route carrier throughout the state for the transportation of petroleum and petroleum products in tank trucks and tank trailers,

(1) Decision No. 42623, dated March 15, 1949, as amended by Decision No. 43049, dated June 28, 1949.

pursuant to the provisions of Section 50 3/4 of the Public Utilities Act, as amended by Statutes 1949, Chapter 1399.

The amendment referred to provides, among other things, that, in the event a petroleum irregular route carrier was, on September 1, 1949, and thereafter, operating under a permit as a radial highway common carrier, and shall file an application within 180 days after the amendment takes effect, the Commission shall issue a certificate of public convenience and necessity without further proceedings, and such certificate shall authorize the carrier to engage in such operations as it was authorized to conduct on September 1, 1949.

The above application alleges that applicant was, on September 1, 1949, and continuously thereafter, operating pursuant to said highway common carrier certificate, and to permits issued by the Public Utilities Commission authorizing applicant to operate as a highway contract carrier and as a city carrier. The application was filed within the time required by law, but there is no allegation therein that, on September 1, 1949, and thereafter, applicant was operating under a permit as a radial highway common carrier, the existence of which facts is necessary to entitle applicant to a certificate as a petroleum irregular route carrier without showing that public necessity and convenience will be served by the proposed operation. The records of the Commission show that applicant, in fact, at no time had a radial highway common carrier permit.

Applicant, under the provisions of Section 50 3/4 of the Public Utilities Act, as amended by Statutes of 1949, Chapter 1399, not being entitled to a certificate of public convenience and

necessity to operate as a petroleum irregular route carrier by virtue of operations conducted on September 1, 1949, and thereafter, a hearing on the application was necessary, and the hearing on the application was set for and held on August 7, 1950, at 10 a.m., before Examiner Rogers in Los Angeles. The applicant was duly notified of the time and place of hearing. Neither applicant nor its representative appeared thereat and the matter was submitted.

O R D E R

Service Tank Line, a corporation, having filed the above-entitled application for a certificate of public convenience and necessity to operate a service as a petroleum irregular route carrier as defined in Section 2 3/4 of the Public Utilities Act, as amended by Statutes 1949, Chapter 1399; the said application and records of the Commission showing that applicant was not, on September 1, 1949, and thereafter, operating as a radial highway common carrier; a hearing on the application being necessary and notice of the time and place of said hearing having been given to applicant, and applicant having failed to appear at said time and place,

IT IS HEREBY ORDERED that Application No. 37241, application of Service Tank Line, a corporation, for a certificate of public convenience and necessity to operate as a petroleum irregular route carrier be, and it hereby is, dismissed.

Dated at San Francisco, California, this 22nd
day of August, 1950.

R. J. [Signature]
Justin J. [Signature]
[Signature]
Harold [Signature]
Kenneth [Signature]
COMMISSIONERS