

Decision No. 44693

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 W. M. KOFAHL and WORTH C. POTTS, doing)
 business as KOFAHL & POTTS, a partnership,) Application No. 31204
 for a certificate of public convenience)
 and necessity as a petroleum irregular)
 route carrier.)

O P I N I O N

The applicants herein request 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, 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 applicants have been continuously, since September 7, 1949, and now are, the holders of a radial highway common carrier permit, and transporting petroleum

and petroleum products in bulk, pursuant to said permit. The application was filed within the time required by law, but the application shows, on the face thereof, and the records of the Commission substantiate, that applicants were not, on September 1, 1949, and continuously thereafter, operating under a permit as a radial highway common carrier. The application alleges, and the records of the Commission show, that applicants did not receive a permit to operate as a radial highway common carrier until September 7, 1949.

Applicants, 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. The hearing on the application was set for, and held on, August 7, 1950, at 10 a.m., before Examiner Syphers, in Los Angeles. The applicants were duly notified of the time and place of the hearing. Neither applicants nor their representative appeared thereat and the matter was submitted.

O R D E R

W. M. Kofahl and Worth C. Potts, doing business as Kofahl & Potts, a partnership, 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 applicants were 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 applicants, and applicants having failed to appear at said time and place,

IT IS HEREBY ORDERED that Application No. 31204, of W. M. Kofahl and Worth C. Potts, doing business as Kofahl & Potts, a partnership, 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. E. [Signature]
Justice J. Coe
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COMMISSIONERS