

Decision No. 44735

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
ROBERT A. ELLIS AND ALBERT DARRAH, a)
copartnership doing business under the)
firm name of CALIFORNIA TANK LINE, for)
a certificate of public convenience)
and necessity to operate as an)
irregular route, or in the alternative,)
as a highway common carrier, for the)
transportation of petroleum and)
petroleum products in the State of)
California.)

Application No. 30887
(First Supplemental)

SUPPLEMENTAL OPINION

The applicants herein, Robert A. Ellis and Albert Darrah, doing business as California Tank Line, were granted a certificate of public convenience and necessity by Decision No. 44136, dated May 2, 1950, in this proceeding, authorizing operations as a highway common carrier for the transportation of petroleum and petroleum products, in bulk, except liquefied petroleum gases and other petroleum products requiring pressurized tanks, and except liquid asphalt and hot road oils and other petroleum products requiring insulated tanks,

- (a) between Oakland, Richmond, Avon and Martinez, on the one hand, and Ukiah, Auburn, Sacramento, Marysville, Rainbow Tavern, Stockton, Tracy and Monterey, on the other hand;
- (b) between Stockton and Ukiah, Chico, Sacramento, Sonora, Merced and Dos Palos; and
- (c) between Auburn and Sonora,

including all intermediate points, with the right to serve off-route points located in Stanislaus County within 20 miles of the highways specified in said decision.

By their first supplemental application, applicants seek authority to transport the same commodities as a highway common carrier between the following points and over the following routes:

- (a) Between Stockton and Confidence and intermediate points over California Highways 120 and 108;
- (b) Between Stockton and Jackson and intermediate points over California Highway 88;
- (c) Between Hanford, Maricopa, Taft and Wilmington, on the one hand, and points north of Merced, including Merced, which applicants are now authorized to serve pursuant to Decision No. 44136, over U. S. Highways 99 and 399, California Highway 166 and connecting county roads; and
- (d) Between Stockton and West Point in Calaveras County, over 18 miles of county road extending from California Highway 49, and Omo Ranch in El Dorado County, over 18 miles of county road off California Highway 49,

including the right to serve all points and places within five miles of Stockton and off-route points located in San Joaquin, Calaveras and El Dorado counties within 20 miles of the highways which applicants were authorized to use pursuant to Decision No. 44136.

Evidence was presented by one of the applicants and a number of shipper-witnesses at the hearing upon the original application, as amended, in this proceeding. The testimony related to applicants' operations in the past, including service to the points applicants now seek authority to serve, and the reasons for the perpetuation thereof in the future. Authority to serve some of the points embraced in the supplemental application was withheld because they were not within the scope of the application then under consideration.

No protests against the granting of the supplemental application have been filed. A further hearing does not appear to be necessary.

Upon further consideration of the record in this proceeding, the Commission finds that public convenience and necessity require the operation by applicants of service as a highway common carrier, as proposed in the first supplemental application on file herein.

SUPPLEMENTAL ORDER

A first supplemental application having been filed in the above-entitled proceeding, and the Commission having found that public convenience and necessity so require,

IT IS ORDERED:

(1) That the certificate of public convenience and necessity heretofore granted to Robert A. Ellis and Albert Darrah, copartners, by Decision No. 44136, dated May 2, 1950, in this proceeding, be and it is hereby amended to authorize the establishment and operation of a service as a highway common carrier, as defined in Section 2 3/4 of the Public Utilities Act, for the transportation of petroleum and petroleum products, in bulk, except liquefied petroleum gases and other petroleum products requiring pressurized tanks, and except liquid asphalt and hot road oils and other petroleum products requiring insulated tanks, between the following points and over the following routes:

- (a) Between Stockton and Confidence and intermediate points over California Highways 120 and 108;
- (b) Between Stockton and Jackson and intermediate points over California Highway 88;
- (c) Between Hanford, Mericopa, Taft and Wilmington, on the one hand, and points north of Merced, including Merced, which applicants are now authorized to serve by virtue of Decision No. 44136, over U. S. Highways 99 and 399, California Highway 166 and connecting county roads;
- (d) Between Stockton and West Point, Calaveras County, and Ono Ranch, El Dorado County, over California Highway 49 and connecting county roads,

including the right to serve all points and places within five (5) miles of Stockton and off-route points located in San Joaquin, Calaveras and El Dorado counties within twenty (20) miles of the highways which applicants are authorized to use pursuant to the provisions of Decision No. 44136.

(2) That in providing service pursuant to the authority herein granted, applicants shall comply with and observe the following service regulations:

- (a) Within thirty (30) days after the effective date of this supplemental order applicants shall file a written acceptance of the certificate as herein amended.
- (b) Within sixty (60) days after the effective date hereof, applicants shall comply with the provisions of General Order No. 80 and Part IV of General Order No. 93-A by filing, in triplicate, and concurrently making effective, appropriate tariffs and time schedules on not less than five (5) days' notice to the Commission and the public.

This supplemental order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 29th day of August, 1950.

R. F. Johnson
Justice F. C. Cullen
Harold H. Hild
Kenneth H. Potter
COMMISSIONERS