

MP (ER)*

ORIGINAL

Decision No. 44809

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 FRED E. STOKES, doing business as UNITED)
 FREIGHT LINES, for a certificate of pub-)
 lic convenience and necessity to operate)
 an automobile freight service, as a)
 petroleum irregular route carrier, be-) Application No. 31205
 tween all points in the State of Cali-)
 fornia in Los Angeles and Orange)
 Counties, by reason of operations con-)
 ducted on and after September 1, 1949,)
 under Radial Highway Common Carrier)
 Permit issued by the Public Utilities)
 Commission.)

O P I N I O N

This application was filed on March 24, 1950. It alleges that applicant was, on that date, a radial highway common carrier operating pursuant to a permit issued by the Public Utilities Commission, and that on September 1, 1949, and subsequently thereto, applicant was engaged in the business of transporting petroleum and petroleum products for compensation, in tank trucks and tank trailers, over the public highways in the State of California, pursuant to said permit. Applicant prays for a certificate of public convenience and necessity as a "petroleum irregular route carrier", under the provisions of Section 50-3/4 of the Public Utilities Act, as amended by Statutes 1949, Chapter 1399. The application was filed within 180 days after that amendment to Section 50-3/4 of the Public Utilities Act became effective, and hence applicant would be

entitled to a certificate as requested in the application if the application complied with the rules of the Commission.

Section 50-3/4 provides, among other things, that an applicant for a certificate as a petroleum irregular route carrier "... shall file ... an application as provided herein,...", and that the application "... shall be in such form and contain such information ... as the ... Commission shall require."

Section 27 of Article 6 of Title 20 of the California Administrative Code, which section was in effect at the time the application was filed, requires that each application for a certificate to operate as a petroleum irregular route carrier shall contain the financial statement of the applicant. The required financial statement was omitted from the subject application. On June 12, 1950, and again on July 26, 1950, applicant was requested to supply the omitted financial statement, as required by the rules of the Commission. More than thirty days have elapsed since the Commission last requested applicant to file the statement, and no good cause appears why the subject application should not be dismissed for failure of applicant to file an application complying with the rules of the Commission.

O R D E R

Fred E. Stokes, 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 being incomplete in that it does not contain a financial statement as

required by Section 27 of Article 6 of Title 20 of the California Administrative Code, the Commission having on two occasions requested of applicant that he amend his application to include therein a financial statement, and applicant having failed and neglected to do so,

IT IS HEREBY ORDERED that Application No. 31205 of Fred E. Stokes, doing business as United Freight Lines, for a certificate of public convenience and necessity to operate as a petroleum irregular route carrier, be, and it hereby is, dismissed without prejudice to the filing by Fred E. Stokes, within thirty days after the date of this order, of a petition to reopen this proceeding which shall include as a part thereof a statement of Fred E. Stokes' financial ability to render the proposed service.

Dated at San Francisco, California, this 19th day of September, 1950.

J. J. [Signature]
Justice F. [Signature]
[Signature]

COMMISSIONERS