

ORIGINAL

Decision No. 45768

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
James W. Short and Lola May Short,)	
doing business as Goodrich Oil Co.,)	
a Corporation, for a Certificate)	Application No. 31136
of Public Convenience and Necessity to)	
Transport Petroleum Products in bulk)	
as a Petroleum Irregular Route Carrier)	
Under the Provisions of Chapter 1399)	
Statutes of 1949.)	

H. F. Wiggins for the Public Utilities
 Commission of California
Lola May Short and James W. Short for
 Goodrich Oil Company

O P I N I O N

This proceeding was instituted upon the Commission's own motion to determine whether the certificate of public convenience and necessity to operate as a petroleum irregular route carrier granted to the Goodrich Oil Company, a corporation, by Decision No. 44207, dated May 23, 1950, should be altered, amended or revoked.

A public hearing was held in San Francisco before Examiner Gillard on May 18, 1951, and the matter submitted for decision,

In the original application filed herein on March 22, 1950, by the Goodrich Oil Company, signed and verified by Lola May Short, President, and James W. Short, Secretary, it is alleged "That your applicants on September 1st, 1949, had in full force and effect permits from the Public Utilities Commission as a Radial Highway Common Carrier, Permit No. 50-3063 File T35570. That prior to and on and after September 1st, 1949 your applicants were

engaged as a common carrier, hauling petroleum and petroleum products for hire, using and having under applicants control and management, one or more motor vehicles consisting of tractor and tank trailers used in transporting petroleum products over any and all public highways in the State of California and that by reason of the Provisions of Chapter 1399, Statutes of 1949, amending Sections 2-3/4 and 50-3/4 of the Public Utilities Act of the State of California your applicants are advised that in order to continue to conduct said business it is necessary to secure appropriate authority from your Honorable Commission. That by reason of the operations conducted by your applicants prior to September 1, 1949 and at all times subsequent thereto your applicants allege they are entitled to a certificate of Public Convenience and Necessity authorizing applicants to engage in the transportation of petroleum products for compensation in bulk in tank trucks and trailers as a Petroleum Irregular Route Carrier."

A radial highway common carrier permit was issued to the corporation on February 17, 1949, and revoked at the corporation's request on November 27, 1950. Quarterly reports filed by the corporation with the Commission, pursuant to Section 1 of the Transportation Rate Fund Act, disclose that no income was received for the transportation of property from the time such permit was issued until the month of December, 1950, nine months after the application was filed herein.

An examination of the records of the corporation in Turlock disclosed that the quarterly reports were correct, and at the hearing herein the President of the corporation testified that during the period noted, no for hire transportation had been conducted and that the foregoing quoted portion of the application was

incorrect. The corporation does transport petroleum products for its own account as a broker.

Section 2-3/4 of the Public Utilities Act was amended in 1949 by defining a petroleum irregular route carrier as every person or corporation transporting within the State for compensation petroleum products in tank trucks or trailers as a common carrier, other than a highway common carrier. Section 50-3/4 (c) was amended at the same time by providing that the Commission shall issue a certificate of public convenience and necessity without further proceedings if a verified application therefor is filed within a stated time by a petroleum irregular route carrier which was operating as such on and after September 1, 1949, under the authority of a radial highway common carrier permit. This section also provided that "the continuance of such operation shall be lawful" pending the issuance of such certificate.

It is clear that the statutory grant of such certificate was limited to those carriers possessing radial highway common carrier permits who were actually operating as petroleum irregular route carriers on and after September 1, 1949. Since the Goodrich Oil Company was not operating as a petroleum irregular route carrier it did not meet this statutory requirement, and it was not entitled to the certificate issued herein. The order to follow will provide for its revocation.

The Goodrich Oil Company and its corporate officers are advised to acquaint themselves with the statutory penalties provided for transporting property for compensation within this State without the requisite authority from this Commission.

O R D E R

A public hearing having been held and based upon the conclusions and findings set forth in the foregoing opinion,

IT IS ORDERED:

(1) That Decision No. 44207, dated May 23, 1950, in Application No. 31136 be and it is hereby rescinded and the certificate of public convenience and necessity granted therein to Goodrich Oil Company, a corporation, be and it is hereby revoked.

(2) That Goodrich Oil Company, a corporation, be and it is hereby directed and required to cease and desist from operating, directly or indirectly, or by any subterfuge or device, any motor vehicle transporting petroleum or petroleum products in tank truck or tank trailer as a petroleum irregular route carrier (as defined in Section 2-3/4 of the Public Utilities Act) for compensation over any of the public highways in the State of California, unless and until said Goodrich Oil Company, a corporation, shall have obtained from this Commission a certificate of public convenience and necessity therefor.

The Secretary is directed to cause a copy of this decision to be served upon Goodrich Oil Company, a corporation.

The effective date of this order shall be twenty (20) days after such service.

Dated at San Francisco, California, this 29th day of May, 1951.

A. E. Anderson
Justin F. Calver
Harriet Hills
Francis H. Patton
John W. Whitehill
 COMMISSIONERS