

Decision No. 45955**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
L. W. POTTER, doing business as
L. W. POTTER TRUCKING COMPANY, for
a certificate of public convenience
and necessity authorizing the trans-
portation of crude oil and fuel oil
as a petroleum irregular route carrier.

Application No. 32088

ORDER AMENDING DECISION AND DENYING REHEARING

Applicant in the above proceeding filed, subsequent to the effective date of Decision No. 45681, a petition for modification or, in the alternative, rehearing. The petition alleges that the certificate issued by Decision No. 45681 is broader than sought and requests that it be modified to require that both origin and destination be in one or more oil fields. Since "oil field" is a term of indefinite meaning, petitioner states willingness to have his certificate modified to authorize transportation only when both the origin and destination are within two miles of an oil well or well site, a well site being any location upon which a well is about to be constructed, is being constructed, or is not yet producing.

Petitioner further alleges that, since he will be non-competitive with existing tank truck carriers whose operations are subject to the minimum rates established by the Commission, if his certificate is modified as requested, he should, in the event of such modification, be authorized to establish the hourly rates he proposed at hearing.

The Commission has considered the allegations in the petition and is of the opinion that the certificate issued by Decision No. 45681 should be modified as requested. The Commission is further of

the opinion that petitioner should be authorized to file a tariff based upon hourly rates. The record does not suggest that the particular hourly rates proposed are unreasonable, but, on the other hand, it does not establish their reasonableness.

No protests were filed respecting the original application and no need appears for rehearing.

O R D E R

IT IS HEREBY ORDERED that the certificate of public convenience and necessity issued in Decision No. 45681 is modified to authorize applicant to transport only those shipments which have both origin and destination within two (2) miles of an oil well or well site, a well site being any location upon which a well is about to be constructed, is being constructed, or is not yet producing.

IT IS HEREBY FURTHER ORDERED that Decision No. 45681 is modified to exempt applicant from Highway Carriers' Tariff No. 6 and to authorize him to file a tariff based upon hourly rates.

IT IS HEREBY FURTHER ORDERED that the petition for rehearing herein is denied.

Dated, San Francisco, California, this 17th day of July, 1951.

A. E. Anderson
Justus J. Casper
Harold P. Hale
Wm. H. Lott
F. L. Kitchell
Commissioners