

Decision No. 47054

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Petroleum Tank Line

Application  
No. 33326

for authorization to issue a chattel  
mortgage and deed of trust.

OPINION AND ORDER

This is an application for an order of the Commission authorizing Petroleum Tank Line to execute encumbrances on its properties.

Applicant is a corporation engaged in business as a highway common carrier and as a petroleum irregular route carrier under certificates of public convenience and necessity granted by the Commission by Decision No. 42866, dated May 10, 1949, and by Decision No. 44537, dated July 18, 1950. In this proceeding it reports that it is in need of additional equipment and that it proposes to purchase two new Peterbilt trucks and two new Beall trailers with tanks for the total sum of \$59,400, including interest and carrying charges.

To provide for the payment of the purchase price, applicant proposes to execute a conditional sales contract in the amount of \$59,400 payable in 24 equal monthly installments of \$2,475 and to provide additional security through the execution of a deed of trust on certain real property constituting its shop and yard and the execution of a mortgage of chattels on its equipment. It has filed a copy of the proposed conditional sales contract as Exhibit A, a copy of the proposed deed of trust as Exhibit B, and a copy of the proposed mortgage of chattels as Exhibit C.

Section 816.5 of the Public Utilities Code reads as follows:

"816.5. Nothing contained in this article shall be construed to require a highway common carrier or a petroleum irregular route carrier to secure from the commission authority to execute any conditional sales contract for the purchase of motor vehicle equipment or any chattel mortgage on motor vehicle equipment securing the payment of all or any part of the purchase price of such motor vehicle equipment. (added 1951, Ch.1493:)"

It thus appears that applicant may execute the conditional sales contract and the mortgage of chattels under the terms outlined in this application without receiving authorization from the Commission. It further appears, however, that it is necessary for it to obtain the Commission's approval of the proposed deed of trust.

The Commission has considered this matter and is of the opinion that a public hearing is not necessary and that an order should be entered, therefore,

IT IS HEREBY ORDERED as follows:

1. Petroleum Tank Line may execute a deed of trust in, or substantially in, the same form as that filed in this proceeding as Exhibit B for the purpose set forth in the application.
2. The authority herein granted is effective upon the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of April 1952.

[Signature]  
 \_\_\_\_\_  
 President

[Signature]  
 \_\_\_\_\_  
 Commissioner

[Signature]  
 \_\_\_\_\_  
 Commissioner

\_\_\_\_\_  
 Commissioners

Commissioner Justus F. Graemer, being necessarily absent, did not participate in the disposition of this proceeding.