

ORIGINAL

Decision No. 49497

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of)
 Refiner's Sales Co., A Corp.,)
))
for an order approving an agree-)
ment of indemnity under the pro-)
visions of Paragraph 5 of General)
Order No. 100.)
-----)

Application
No. 34657

OPINION AND ORDER

By Decision No. 47551, dated August 11, 1952, the Commission authorized the transfer to Refiners Sales Company of a certificate of public convenience and necessity created by Decision No. 44403, dated June 20, 1950, in Application No. 31196, which permitted operations as a petroleum irregular route carrier within the state. In the above entitled application the company now seeks the Commission's approval of a certificate of insurance providing for coverage with Lloyd's of London in the amounts of \$15,000 and \$30,000 for bodily injury liability and in the amount of \$20,000 for property damage.

The application was filed with the Commission on August 14, 1953. Thereafter the Commission, by its letters dated August 25, September 22, October 5 and November 23, informed the company, among other things, that the insurance coverage for which approval was requested did not meet the Commission's requirements for the reason that the standard form of endorsement prescribed by the Commission had not been executed. A member of the staff of the Commission, in calling at the office of the company in connection with this application, was informed that the company had not commenced its operations.

as a petroleum irregular route carrier.

The Commission has directed every highway common carrier and every petroleum irregular route carrier, as defined in the Public Utilities Code, to provide, and continue in effect so long as they may be engaged in conducting such operations, adequate protection against liability imposed by law upon such carriers for the payment of damages for personal bodily injuries and for property damage. Our records show that Refiners Sales Company has not obtained such insurance protection in the form prescribed by the Commission and we are of the opinion that until it has done so it should not be permitted to undertake the petroleum irregular route operations which have been certificated to it. Accordingly, we will enter our order dismissing Application No. 34657, for the reason that the certificate of insurance as filed does not meet our requirements, and suspending the operative rights heretofore acquired by this company.

Therefore, good cause appearing,

IT IS HEREBY ORDERED as follows:

1. Application No. 34657 of Refiners Sales Company is hereby dismissed without prejudice.
2. The certificate of public convenience and necessity created by Decision No. 44403, dated June 20, 1950, in Application No. 31196, and acquired by Refiners Sales Company under authorization granted by Decision No. 47551, dated August 11, 1952, in Application No. 33616, hereby is suspended until such time as the company has obtained insurance coverage as required by the Commission's orders against liability imposed by law for the payment of damages.

for personal bodily injuries and property damage.

3. This opinion and order will become effective 30 days after the date hereof.

Dated at San Francisco, California, this 5th day of

January, 1954.

A. F. [Signature]
President

Maxine F. [Signature]

[Signature]

[Signature]

[Signature]
Commissioners