

Decision No. ~~50605~~

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 MARVIN BARNETT for a certificate of )  
 public convenience and necessity as )  
 a petroleum irregular route carrier )  
 to operate a vacuum tank truck serv- )  
 ice within a radius of 90 miles )  
 from base of operations, with )  
 emergency service to all areas in )  
 the State of California being )  
 developed or explored for oil. )

Application No. 35276  
1st Supplemental

O P I N I O N

By Decision No. 50163, dated June 18, 1954, and made effective twenty days after said date, Marvin Barnett, applicant herein, was authorized to establish and operate

"a service as a petroleum irregular route carrier, as defined in Section 214 of the Public Utilities Code for the transportation of petroleum and petroleum products in vacuum-type tank trucks and tank trailers only, and in connection with and incidental to drilling, maintenance, or reconditioning of oil wells or repair of pipeline breaks between all points and places within a radius of 20 air-line miles in all directions from the city limits of the City of Fillmore, California, including the City of Fillmore."

Service regulations provided

- (a) written acceptance of certificate within thirty days after effective date (July 8, 1954), and
- (b) "within sixty days after the effective date hereof and on not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs containing rates and charges conforming to those set forth in Local Vacuum and Pump Tank Truck Tariff No. 7, Cal. P.U.C. No. 16, of Southwestern Motor Tariff Bureau, J. L. Beeler, Agent, and otherwise satisfactory to the Commission."

Applicant having complied with said regulation (a) requests an extension of time within which to comply with said regulation (b). The latter regulation calls for compliance by September 6, 1954. Application for extension was filed on August 27, 1954.

Applicant also requests that he be permitted to establish the service as authorized by said Decision No. 50163 and to publish rates based upon those found justified for Gilliard Petroleum Service, Inc., in Decision No. 50315<sup>(1)</sup> on Application No. 35234, in place and instead of the rates published in said Local Vacuum and Pump Tank Truck Tariff No. 7, Cal. P.U.C. No. 16.<sup>(2)</sup> Applicant states that his operations are competitive with those of Gilliard and that in order to secure business he must have the same rates.

The Commission having considered the matter, will grant applicant's request for an extension of time and modification of rates.

O R D E R

Application having been made, the Commission being fully advised in the premises and good cause appearing,

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(1) Said Decision No. 50315 is dated July 27, 1954, and became effective twenty days thereafter. Regulation (b) of paragraph (2) thereof requires that service be established and that tariffs be made effective within sixty days after effective date, or by November 16, 1954.

(2) The commodities involved herein are not subject to a minimum rate order. The above-mentioned tariff, now concurred in by numerous participating carriers, provides, among other things, for rates as follows:

50-barrel truck, \$10.00 per hour.

60-barrel truck, \$10.70 per hour.

100-barrel truck, \$14.00 per hour.

Gilliard Petroleum Service, Inc. proposed the following rates:

50-barrel truck, \$ 9.00 per hour.

60-barrel truck, \$ 9.50 per hour.

100-barrel truck, \$13.50 per hour.

This Commission found the latter proposed rates were justified upon a showing made by said company. Applicant herein seeks authority to establish a rate of \$9.00 per hour for his 50-barrel tank unit and \$8.50 per hour for his 45-barrel tank unit.

IT IS ORDERED that Decision No. 50163 of June 18, 1954, be and it is hereby amended by substituting the following for subparagraph (b) of ordering paragraph (2):

"(b) On or before November 30, 1954 and on not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs containing rates and charges conforming to those sought in his First Supplemental Application, and otherwise satisfactory to the Commission."

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of OCTOBER, 1954.

Edward E. Mitchell  
President  
Justin J. Caswell  
Henrietta Potter  
Samuel Higgins  
Raoul L. Luterer  
Commissioners