

Decision No. 51679**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 EMPIRE TRANSPORTATION COMPANY, a)
 corporation, for a certificate of)
 public convenience and necessity to)
 operate as a highway common carrier.)

Application No. 35941

O P I N I O N

Empire Transportation Company is a highway carrier engaged in the transportation of acids, chemicals, and other liquids (except petroleum and petroleum products), in bulk, in tank vehicles, in California pursuant to permits issued it by this Commission.

It seeks an order authorizing it to conduct such service as a highway common carrier generally between all points and places in California.

Notice of filing of the application was given all common carriers subject to the jurisdiction of this Commission.

Upon consideration of the allegations of the application and the representations filed pursuant to the above-mentioned notice, it appears that as of the date of the filing of the application applicant was conducting his operations within the scope of the permitted authority heretofore issued by this Commission. Such operations not having constituted highway common carriage, the sought certificate of public convenience and necessity is not a requisite for their continuance. The application will therefore be denied.

O R D E R

The Commission having considered the application and representations filed herein, Now Therefore

IT IS ORDERED that Application No. 35941 is denied:

The effective date of this order shall be ninety days after the date hereof.

Dated at San Francisco, California, this 12th day of July, 1955.

Justin J. Craven
President
Roy L. Esterline
Walter J. ...
R. H. ...

Commissioners