

ORIGINAL

Decision No. 54292

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GEORGE W. FORQUER, CHARLES F. SAVIERS)
 and MAX RUDOLPH, partners doing bus-)
 iness as MAX RUDOLPH COMPANY for a)
 certificate of public convenience and)
 necessity to operate an automobile)
 freight service as a petroleum irreg-)
 ular route carrier between certain)
 points in the State of California in)
 the counties of Ventura, Los Angeles,)
 and Santa Barbara.)

Application No. 38357

Blaine Romney and George W. Forquer, for applicant;
Glanz & Russell by Arthur Glanz, for Ventura Transfer
 Company, dba Orr Tank Lines; Cantlay & Tanzola,
 Inc.; Routh Transportation; and Allyn Tank Line,
 protestants.

Phil Jacobson, for J. & G. Oil Well Service; T. A. Smith
 Trucking Co.; Dudley T. Prescott; Marvin R. Tidwell;
 Gilliard Petroleum Service; Barnett Vacuum Truck
 Service, protestants.

O P I N I O N

A public hearing was held in the above-entitled matter at Los Angeles before Examiner Mark V. Chiesa. Oral testimony having been adduced the matter was submitted for decision.

Applicant is a limited partnership, and was represented at the hearing by its attorney and George W. Forquer, one of two general partners. There is one limited partner, Max Rudolph. Applicant does business under the name of Max Rudolph Company and on July 16, 1956, was issued a radial highway common carrier permit by this Commission.

Max Rudolph, the limited partner, is authorized, as an individual, to conduct a trucking business under the name of Max Rudolph Trucking and now holds permits from this Commission authorizing him to operate as a radial, contract, city, petroleum

contract, and household goods carrier. He also has a petroleum irregular route certificate (Decision No. 45157).¹

George W. Forquer testified that applicant's principal business is oil field construction and maintenance work; that applicant has two vacuum tank trucks which it is not now using but which would be used principally in connection with the construction and maintenance work it performs for various oil companies in the territory proposed to be served, to-wit, the Santa Paula - Fillmore area and other parts of Ventura, Santa Barbara and Los Angeles Counties, as more specifically set forth in its application; that in his opinion there is a need for a petroleum irregular route carrier located in Santa Paula and the immediate vicinity; and that there is a demand for the particular service as herein proposed.

One public witness was subpoenaed to testify for applicant. Said witness, the district manager for The Texas Company in said area, testified that said company is now employing applicant for general construction and maintenance work in the Santa Paula area and needs a vacuum truck service in connection with its oil well drilling activities; that at present The Texas Company hires vacuum tank trucks at Ventura or Fillmore, a distance of approximately 13 and 10 miles respectively; that applicant's service would be more economical for its present oil drilling operations situated near Santa Paula.

The protestants called two witnesses each engaged in the vacuum tank truck business in the area proposed to be served by

¹ The extent or character of the trucking operations of Max Rudolph Trucking was not clarified at the hearing. The Commission's records show that for the first six months of 1956 said company had a gross revenue of \$131,000 which revenue is not segregated between the various permitted and petroleum irregular route operations.

applicant. One of said witnesses testified that his company, Gilliard Petroleum Service, holds a petroleum irregular route certificate for the area in question; that it operates 9 vacuum tank trucks, two of which are stationed in Santa Paula and one in Fillmore; that the principal place of business is in Ventura; that all trucks are equipped with 2-way radio; that from time to time it is employed by many oil companies, including The Texas Company; that there are many vacuum tank truck operators in the area and that an additional one would divert business from the present operators. Another witness, the president of Allyn Tank Lines, Inc., testified that his company operates tank trucks throughout the State of California transporting all kinds of oil products except road oil; and that his company is not now operating vacuum tank trucks.

It was stipulated by protestants' and applicant's attorneys that 8 additional witnesses, representing petroleum irregular route carriers, if called would testify substantially as protestants' 2 witnesses had testified.

No documentary evidence was adduced other than the exhibits filed with the application.

The Commission having considered the application and the evidence of record is unable to find substantial evidence of public convenience and necessity for applicant's proposed petroleum irregular route transportation service and, therefore, the application will be denied.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises and being unable to find that public convenience and necessity require the operation of a petroleum irregular route service as proposed,

IT IS ORDERED that Application No. 38357 of George W. Forquer, Charles F. Saviers and Max Rudolph, copartners, doing business as Max Rudolph Company be, and it is hereby denied.

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

Dated at San Francisco, California, this 18th day of December, 1956.

[Signature]
President
[Signature]
[Signature]
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Commissioners