

63860

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of T. A. SMITH, doing business as)
T. A. SMITH TRUCKING, for a)
Certificate of Public Convenience)
and Necessity as a Petroleum)
Irregular Route Carrier to operate)
a vacuum tank truck service within)
a radius of ninety miles from base)
of operations, with emergency)
service to all areas in the State)
of California being developed or)
explored for oil.)

Application No. 35316

ORDER RESCINDING ORDER OF REVOCATION
AND VACATING ORDER OF SUSPENSION

By Decision No. 61675 dated March 14, 1961, in this proceeding, the certificate of public convenience and necessity granted to T. A. Smith, doing business as T. A. Smith Trucking,¹ was suspended effective March 21, 1961, for failure to have on file requisite evidence of liability insurance.² Decision No. 63636 dated May 1, 1962, in this proceeding, provided for the revocation of the above carrier's certificate of public convenience and necessity unless, before such effective date, there shall have been filed with this Commission a written response to the order denying the facts set forth therein, or requesting public hearing, in which

¹ The certificate authorizes service as a petroleum irregular route carrier for the transportation of petroleum and petroleum products in vacuum or pump-type trucks and trailers between all points and places in Ventura and Santa Barbara Counties and a portion of Kern County.

² Decision No. 61675, supra, was issued prior to the effective date of General Order No. 100-B which now provides for automatic suspension of operative authority upon cancellation, expiration or suspension of insurance protection.

event the effective date of the order would be stayed. By letters dated May 28, 1962, T. A. Smith filed his response denying the facts set forth in Decision No. 63636, supra, thereby staying the Commission's order.

The American Insurance Co., the insurer of T. A. Smith, filed with this Commission on May 7, 1962, a certificate of insurance indicating that the above carrier has the required liability insurance. Inasmuch as evidence of adequate insurance is now on file, the orders of suspension and revocation in Decisions Nos. 61675 and 63636, supra, will be vacated and rescinded, respectively.

T. A. Smith is hereby placed on notice that operations conducted without adequate evidence of insurance being on file with this Commission is a violation of General Order No. 100-B. The carrier is reminded that the filing of evidence of insurance with a retroactive effective date to cover all or a portion of the period when evidence of insurance protection was not on file with the Commission does not meet the requirements of that general order. In the event he should operate in the future without having evidence of liability insurance on file with the Commission, consideration will be given to possible penalty or other action.

Good cause appearing,

IT IS ORDERED that:

1. Decision No. 63636 dated May 1, 1962, in Application No. 35316, is hereby rescinded.

2. Decision No. 61675 dated March 14, 1961, in Application No. 35316, is hereby vacated and set aside.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 26th day of June, 1962.

Ernest All Page
President
Ed L. DeWitt
George J. Brewer
Fredrick B. Holbrook
Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.